



HAMPDEN TOWN COUNCIL WORKSHOP  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

MONDAY

JANUARY 11, 2021

6:00 P.M.

- A. CALL TO ORDER
- B. UNFINISHED BUSINESS
- C. NEW BUSINESS
  - a. Review of Proposed Repeal and Replacement of the Subdivision Ordinance, *requested by Ryan Carey, Code Enforcement Officer.*
  - b. Review of Proposed Amendments to the Zoning Ordinance, *requested by Ryan Carey, Code Enforcement Officer.*
  - c. Discussion on water supply in the rural district, *requested by Jason Lundstrom, Deputy Fire Chief.*
  - d. Discussion on BlueWave Solar Lease Payments, *requested by Amy Ryder, Economic Development Director.*
  - e. Discussion on an Ordinance for Adult Daycare, *requested by Councilor Jarvi.*
- D. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE  
REMOTE HAMPDEN TOWN COUNCIL  
WORKSHOP ON JANUARY 11, 2021, AT 6:00 PM  
YOU MAY PHONE IN USING THE FOLLOWING  
NUMBER (FOLLOWED BY THE PIN #)

**1-978-593-3342      PIN 683 461 118#**

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO  
TO THIS URL: [https://meet.google.com/tzx-  
avim-ofw?hs=122&authuser=0](https://meet.google.com/tzx-avim-ofw?hs=122&authuser=0) AND JOIN  
US THAT WAY

**INSTRUCTIONS ARE POSTED WITH THE AGENDA  
AND SEPARATELY ON THE TOWN CALENDAR AT  
[WWW.HAMPDENMAINE.GOV](http://WWW.HAMPDENMAINE.GOV)**

## **Using Google Meet to Participate in Hampden Town Council Remote Meetings**

### **How to join:**

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at [www.hampdenmaine.gov](http://www.hampdenmaine.gov).
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

### **Protocols for Remote Meetings:**

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

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[support.google.com/a/users/answer/9282720?hl=en](https://support.google.com/a/users/answer/9282720?hl=en)



**Memorandum**

TO: Town Council  
FROM: Paula Scott, Town Manager  
DATE: January 6<sup>th</sup>, 2021  
RE: Subdivision Ordinance

Beginning in 2017, Planner Cullen instituted an Ordinance Committee from Planning Board membership. This committee was tasked with not only looking at the Zoning Ordinance to take it Article by Article and strive to make it more business friendly, but to also update the Shoreland Zoning which the state had mandated to be consistent with current law, and the Subdivision Ordinance which needed some updating.

While sections of the Zoning Ordinance were amended in small steps after the OC made recommendation to the Planning Board (which held several public hearings and made referrals to the Town Council along the way), the final version of the Zoning Ordinance was not adopted until October 8<sup>th</sup> of 2020. While the OC was working on these amendments to the Zoning Ordinance, it became apparent that there were provisions and standards in it that did not match the Subdivision Ordinance, and vice versa. Additionally, previous concerns about the Harold Bouchard Way (relative to subdivisions) demonstrated inconsistencies in the Subdivision Ordinance which contradicted both the Zoning Ordinance and the Town Ways Ordinance. These inconsistencies in several areas led to the need to update the Subdivision Ordinance virtually simultaneously. Because there were so many items that needed amendment, the decision was made by the Planner and the Planning Board, to just repeal and then replace the entire ordinance.

One of the last tasks that Planner Cullen completed before she retired, was to, after a series of 12 workshops, complete the Subdivision Ordinance re-write. Karen worked remotely with both the committee and contract Planner Sarah Delgizzo. It was presented to the full Planning Board and on November 17<sup>th</sup>, 2020 a public hearing was held. The vote was unanimous to refer it as presented to the Town Council for consideration and further public hearing.

# Subdivision Ordinance

## Hampden Maine



Effective \_\_\_\_\_, 2021

106 Western Ave.  
Hampden, Maine 04444  
[www.hampdenmaine.gov](http://www.hampdenmaine.gov)



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**Article 1: General Provisions**

- 1.1 **Purpose.** The purpose of this Ordinance is to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment, to promote the development of an economically sound and stable community, to ensure new subdivisions have adequate infrastructure and do not place an undue burden on municipal facilities, to ensure lots in new subdivisions are capable of supporting the proposed uses and structures, and to minimize potential negative impacts of proposed subdivisions on neighboring properties.
- 1.2 **Authority.** This ordinance has been prepared in accordance with the provisions of Title 30-A MRSA §4403.
- 1.3 **Title.** This ordinance is known and may be cited as the Subdivision Ordinance of the Town of Hampden Maine.
- 1.4 **Administration.** This ordinance is to be administered by the Hampden Planning Board with assistance from town staff.
- 1.5 **Applicability.** The provisions of this ordinance apply to all land and buildings proposed for subdivision as herein defined. Subdivisions which existed, which were approved by the Planning Board, or which were legally recorded at the Penobscot County Registry of Deeds prior to September 23, 1971, are not subject to this ordinance, but any new divisions as herein defined within such subdivisions are subject to this ordinance.
- 1.6 **Effective Date.** The effective date of this ordinance is \_\_\_\_\_ *[fill in date upon adoption]*.
- 1.7 **Repeal of Prior Ordinance.** Upon the effective date of this ordinance following adoption of this ordinance, any prior Subdivision Ordinance including all amendments thereto is repealed.
- 1.8 **Severability.** Should any section or provision of this ordinance be declared by the courts to be invalid, such section or provision does not invalidate any other section or provision of this ordinance, and to this end, the provisions of this ordinance are hereby declared to be severable.
- 1.9 **Relationship to Other Ordinances or Laws.** This Ordinance in no way impairs or removes the necessity of compliance with any other ordinance, rule, regulation, bylaw, permit, or provision of law. Where this ordinance imposes a higher standard for the protection and promotion of health and safety, the provisions of this ordinance prevail.
- 1.10 **Scope.**
- 1.10.1 Any person, firm, corporation or other legal entity proposing to sell, lease or convey, or to offer or agree to sell, lease or convey, any land in a subdivision any portion of which is within the limits of the Town of Hampden, must first submit such subdivision for approval by the Planning Board in accordance with this Ordinance and must record in the Penobscot County Registry of Deeds a plan thereof bearing the approval of the Planning Board.
- 1.10.2 No utility installations; no ditching, grading or construction of roads; no grading of land or lots; and no construction of buildings is to be done on any part of the proposed subdivision
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until a subdivision application has been submitted, reviewed, approved, and recorded as provided by this Ordinance.

- 1.10.3** No person, firm, corporation or other legal entity may sell or convey any land in a subdivision until the street upon which it fronts is completed in accordance with this ordinance, and at least one permanent boundary marker is set at one corner of the lot being sold or conveyed. See also §2.1.4, Monuments.

**1.11** Amendments.

- 1.11.1** An amendment to this ordinance may be initiated by the Planning Board provided a majority of the Board has so voted, or by the Town Council provided a majority of the Council has voted to refer a proposed amendment to the Planning Board, or by written petition of ten percent of the registered voters of the town. All proposed amendments must be referred to the Planning Board for their review and recommendation.
- 1.11.2** The Planning Board must hold a public hearing prior to the adoption of any amendment to this ordinance, with notice of the hearing provided at least seven days prior to the hearing.
- 1.11.3** The Planning Board must submit a recommendation on any proposed amendment to this ordinance to the Town Council within 14 days of the completion of the public hearing and, when the proposed amendment was referred to the planning board from town council, within 90 days of the date of said referral unless Council agrees to an extension for good cause. The Planning Board's recommendation may be for approval, approval with modification, or denial of the proposed amendment. To constitute Planning Board approval the proposed amendment and any proposed modifications thereto must receive at least four affirmative votes from the Board. Failure of the Board to make a recommendation within the allotted time constitutes a recommendation of denial for the purposes of this Ordinance.
- 1.11.4** For a proposed amendment to be adopted, it must be approved by a majority vote of the Town Council if the change has been recommended by the Planning Board. If the change has not been recommended by the Planning Board, a two-thirds vote of the Town Council is necessary to adopt it.

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**Article 2: Design Standards****2.1 Subdivision Layout**

- 2.1.1 Buffer.** The Planning Board may require a buffer of no less than 25 feet deep when a proposed major subdivision is located adjacent to a use where separation is desirable, or in a rural area where a wooded buffer between an existing road and the proposed house lots would maintain the rural character of the area. Buffers must not be part of any individual house lot. Driveways and new roads may cross through the buffer strip.
- 2.1.2 Road length.** The maximum length of any road segment where there is only a single point of entry from a connecting road is 2,000 feet, measured from the centerline of the connecting road to the furthest point of that road – a cul-de-sac or other turn-around, or on a loop road.
- 2.1.3 Lots**
- 2.1.3.1 Relation to zoning.** Lots for building purposes must be in compliance with the dimensional requirements of the Hampden Zoning Ordinance.
- 2.1.3.2 Buildable Area.** All new lots created in the town after \_\_\_\_**[effective date]**\_\_\_\_ must contain a minimum net useable area, which is to be contiguous land (not divided by a stream, waterbody, or road), of:
1. 20,000 square feet if the lot relies on an individual on-site sewage disposal system, or 10,000 square feet if the lot has access to the public sewer system.
  2. This provision does not apply to lots created for open space provided the lot has a permanent restriction prohibiting development.
  3. This provision is not to be interpreted as an increase or decrease in the minimum lot size required by the zoning ordinance, nor a decrease in the number of dwelling units which can be developed on a given tract of land.
- 2.1.3.3 Non-buildable Lots.** Lots reserved for and permanently protected as open space or recreational lands are not required to meet the dimensional requirements of the zoning ordinance, but must be clearly marked on the final subdivision plan as "non-buildable parcels". The deed for such lots must also include restrictions prohibiting development.
- 2.1.3.4 Reserved Areas.** Land areas reserved for future development (e.g. "remaining land") must comply with the dimensional requirements of the zoning ordinance, even if the intent is to construct new roads to service future development.

#### **2.1.3.5 Layout.**

- 1. The proposed subdivision and street layout must conform as closely as practical to the adopted Comprehensive Plan or policy statement of the Town of Hampden.**
- 2. Sidelines. Wherever possible, side lot lines should be perpendicular to the street. The Planning Board may approve other lot layouts when the alternative design will protect natural physical features such as wetlands or drainage ways.**
- 3. Corner Lots. Corner lots should generally be larger than other lots to accommodate building setbacks on each street side.**
- 4. Shape. Flag lots or other oddly shaped lots with narrow portions connecting a wider frontage to a wider portion in the rear are only permitted if they meet the requirements of Section 4.3 of the Zoning Ordinance, Rural Alternate Frontage Lots. Lots within the shoreland zone are subject to additional provisions under the Shoreland Zoning Ordinance.**
- 5. Re-subdivision. The subdivision of tracts into lots with more than twice the required minimum lot size and frontage, thus creating the potential for future re-subdivision of lots, is discouraged. When such re-subdivision occurs, then regardless of the amount of time that has passed since the lot was created, a revised subdivision plan must be approved by the Planning Board and recorded in the Registry of Deeds.**
- 6. Frontage. Every lot designated for development must have the frontage required by the Zoning Ordinance, as defined in the Zoning Ordinance.**
- 7. Driveways must be located a minimum of 10 feet from the side property line unless a shared driveway is used, and a minimum of 40 feet from any street intersection.**

#### **2.1.4 Monuments**

- 2.1.4.1 Monuments must be installed at all street intersections, at all points of change in direction or curvature of streets, at all lot corners, and at such other points where, in the opinion of the Board, permanent monuments are necessary.**
- 2.1.4.2 Monuments at all street lines must be at least 4" x 4" reinforced concrete or granite posts three feet in length with a drill hole in the center at the top, and must be set flush with the finished grade. Where exposed ledge prevents the installation of such monuments, the Board may approve use of a drill hole and iron pipe for those specific locations only.**
- 2.1.4.3 Monuments at all other locations (e.g. rear lot corners) may be iron pipe or drill hole.**

- 2.1.4.4 No permanent monuments are to be installed until all construction which could destroy or disturb the monuments is completed.

## **2.2 Relation to Natural Features**

### **2.2.1 Prevention of Erosion & Sedimentation**

- 2.2.1.1 The proposed subdivision must prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
- 2.2.1.2 The procedures outlined in the erosion and sedimentation control plan are to be implemented during the site preparation, construction, and clean-up stages.
- 2.2.1.3 Cutting or removal of vegetation along waterbodies must not increase water temperature or result in shoreline erosion or sedimentation.
- 2.2.1.4 Topsoil is considered part of the subdivision and must not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations, unless the removal has received approval from the Planning Board under the applicable provisions of the zoning ordinance.

### **2.2.2 Natural Beauty & Aesthetics**

- 2.2.2.1 The Planning Board may require that a proposed subdivision protect existing individual trees of 12 inch diameter or greater, or wooded areas along public roads to minimize the impact of the new development on the landscape.
- 2.2.2.2 If any area of a proposed subdivision is designated as a high value plant or animal habitat by the state of Maine (refer to the Maine Natural Areas Program), the proposal must indicate appropriate measures for the preservation of the values which qualify the site for such designation (e.g. the habitat will be protected within permanent open space).

### **2.2.3 Historic or Archeological Resources.** If any portion of the subdivision is designated as a site of historic or archeological importance by the comprehensive plan, the National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the resource must be included in the plan in accordance with state or federal laws as applicable, and §3.8.3.2 or 3.8.4.2 of this ordinance, as applicable.

### **2.2.4 Significant Wildlife Habitat.** If any portion of a proposed subdivision lies within areas identified and mapped by the Department of Inland Fisheries and Wildlife (*Beginning with Habitat maps September 2018, as amended from time to time*), as being important wildlife habitat for species appearing on the official state or federal lists of endangered or threatened species, high or moderate value waterfowl habitats, including nesting and feeding areas, or high or moderate value deer wintering areas, the applicant must demonstrate that there will be minimal impact on the habitat and species it supports. The plan must provide for protection of the identified resource in a manner acceptable to the Maine Department of Inland Fisheries and Wildlife or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the wildlife

resource being impacted. In the latter situation, the report prepared by the wildlife biologist must assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and must describe appropriate mitigation measures to ensure that the subdivision will have minimal impacts on the habitat and the species it supports.

- 2.2.5 **Public Access to the Shoreline.** Any existing public rights of access to the shoreline of a water body must be maintained by means of easements or rights-of-way, or be included in the required open space with provisions made for continued public access.
- 2.2.6 **Topography.** Existing topography is to be preserved in the development of the land. Alterations to the existing topography be permitted that will have a detrimental impact on abutting properties or will alter topography on abutting properties without the express written consent of the abutting land owner, and in such cases a permanent easement must be obtained from the abutting land owner.

### 2.3 Infrastructure

- 2.3.1 **Electric and Communication Utilities.** Wherever possible, electric and communication utilities are to be placed underground and designed and installed within the street right-of-way but not under the pavement, in accordance with the regulations and standards of the applicable utility company. When underground placement is not possible, it is the applicant's responsibility to provide proof to the Planning Board that underground placement is impractical.

#### 2.3.2 Water Supply

##### 2.3.2.1 Public Water Supply:

1. All tracts proposed to be subdivided that are within 500 feet of the public water system must be connected to that system unless the Hampden Water District determines it has insufficient capacity to serve the population of the development. In such cases the Planning Board may approve private wells in accordance with §3.2.1.2, or a separate public water system to be owned and maintained by the developer or Homeowner's Association is installed to serve the development.
2. The water supply infrastructure including mains, gate valves, hydrants, and service connection stubs (to the lot line) must be designed to the specifications of, and approved by, the Hampden Water District and the Hampden Public Safety Department. All costs associated with the design and construction are the responsibility of the applicant.
3. When the off-site water system infrastructure proposed to be connected to is inadequate to serve the needs of the proposed development, the applicant must pay the cost of upgrades to the existing system as necessary to serve the potable and fire suppression needs of the subdivision.

4. Water supply infrastructure should be located within the road right-of-way but not under the pavement to the greatest extent possible, and where it deviates, an easement must be provided to the Hampden Water District in accordance with their requirements.
5. When a proposed subdivision is located in an area not currently served by the Hampden Water District but where infrastructure extension is planned within the following 15 years, a “capped system” must be installed to allow future connection when service becomes available without the need to excavate the right-of-way to install the system.
6. For subdivisions where there is a high probability that additional development will occur (by the applicant or any other person or entity) that would only have access to the public water system through the proposed system, the water infrastructure should be designed and built to provide for the needs of said future development. In such cases, the Planning Board may consult with the Hampden Water District and the Public Works Department to determine whether there is any possibility for cost sharing for the larger pipes and fittings made necessary by such planning for the future. Construction of the infrastructure that does not provide for such future extension may preclude future development on affected lands.
7. All subdivisions, regardless of size, must provide an adequate water supply for fire suppression which must be approved by the Hampden Public Safety Department, and the Department of Public Works whenever fire hydrants are proposed, prior to final approval of the subdivision by the Planning Board. Where the public water supply is insufficient to meet the needs of the Public Safety Department, an alternative water supply is required; see §2.3.1.2.6 below.

#### 2.3.2.2 Private Water Supply

1. Wherever a proposed subdivision is located in an area without access to the public water supply, or when the Hampden Water District determines there is insufficient capacity to serve the population of the proposed subdivision, either individual private wells or a private community system (which may be deemed a public water supply based on the number of dwelling units served) must be used to provide potable water to each dwelling.
2. Individual wells are to be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
3. The Planning Board may require certification that sufficient water is available for the foreseeable needs of the subdivision.



4. Lot design must permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules (10-144 CMR 241) and the Well Drillers and Pump Installers Rules (144 CMR 232).
  5. Dug wells are prohibited. This restriction must be included as a note on the final subdivision plan and as a deed restriction in each deed for the lots within the subdivision.
  6. If a private community system is provided that meets the definition of a public water supply, the location and protection of the source, and the design, construction and operation of the system must conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
  7. The subdivision must provide for a reliable water supply for fire suppression purposes. Acceptable methods include, but are not limited to, fire ponds with an approved dry hydrant, other water sources with an approved dry hydrant, underground storage tanks designed specifically for this purpose, or approved residential sprinkler systems in each dwelling unit. The design and location of the fire suppression infrastructure must be reviewed and approved by the Public Safety Department and the Department of Public Works. The maintenance and repair of the infrastructure, if located on-site, is the responsibility of a Homeowner's Association, with periodic inspections by the Public Safety Department. Where necessary, an easement must be granted to the Town for access to fire suppression infrastructure.
- 2.3.3 Sewage Disposal - Whenever a proposed subdivision is located within 500' from a public sewer line measured from any point of the tract being subdivided, the subdivision must be connected to the sewer system. The only exceptions to this requirement are when there are physical barriers (e.g. excessive ledge) between the tract and the sewer line that cause the cost of extension to the tract to be more than twice the cost if such barriers are absent, or when the Hampden Sewer Utility makes a determination that the existing sewer system in the area of the proposed subdivision has insufficient capacity to serve the subdivision and there is no potential for increasing the capacity of the system within five years of the date of the subdivision application submittal (initial submittal). The developer may either on his own or through a public/private partnership pay the cost of necessary improvements to accelerate the construction of such improvements to allow the subdivision to be approved and constructed sooner.
- 2.3.3.1 Public Sewer
1. The complete sanitary sewage system within the subdivision, including mains, manholes, pump stations, and laterals to the property line of each lot created must be installed and inspected at the expense of the applicant.
  2. All components of the sanitary sewage system must be designed by a professional engineer registered in the State of Maine and must comply



with the requirements of the Hampden Sewer Ordinance. The Hampden Sewer Utility or their designee is to review and approve the construction drawings for the sewer system, including the size and location of laterals, collectors, manholes, and pump stations.

3. Sewer infrastructure that is designed within the street right-of-way should be installed under the pavement; in the center of the road is the preferred location but under the edge is acceptable provided the sewer line complies with required separation distances from other underground utilities.
4. When the road and utility infrastructure is proposed to be accepted by the Town and any portion of the sewer system is located outside of the road right-of-way, the developer must provide the Town of Hampden with utility easements. Such easements must be reviewed and approved by the Hampden Sewer Utility.

#### 2.3.3.2 Private Sewage Disposal

1. Proposed subdivisions that are to be connected to the public system but which will not have any publicly owned infrastructure within the subdivision must submit legal documents showing evidence of the perpetual maintenance of all components of the private sewage system. Said documents must be reviewed by the Public Works Director, Town Manager, Town Attorney and Town engineering consultant, and a written recommendation to the Town Council for final approval of said documents must be submitted to the Planning Board prior to approval of the subdivision.
2. Individual private wastewater disposal systems or a private treatment facility with subsurface discharge designed to serve multiple dwelling units must be provided for subdivisions that are not connected to the public sewer system.
3. The developer must submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. The site evaluator must certify in writing that all test pits which meet the requirements for a new system represent an area large enough for a disposal area on soils which meet the Disposal Rules.
4. A second site with suitable soils must be shown as a reserve area for future replacement of the disposal area if the limiting factor has been identified as being within eighteen (18) inches of the surface, and if one or more of the following conditions exist. The reserve area must be shown on the plan and restricted by a notation on the plan and within the deed to the lot so as not to be built upon.
  - a. if the lot is less than one acre in size

- b. if the lot is located in a subdivision that has a net residential density of more than one unit per acre
  - c. if the lot is located outside of the existing and likely future service area of the public water system
  - d. if the lot includes a natural resource such as, but not limited to, being located over a mapped sand and gravel aquifer, or being in a shoreland area, or being within one hundred (100) horizontal feet of a high value wetland.
5. No lot can be created which would require a New System Variance from the Subsurface Wastewater Disposal Rules for the disposal area.

#### **2.3.4 Stormwater Management**

- 2.3.4.1 For subdivisions that require a DEP review under the Site Location of Development Act (SLODA), the stormwater management for the subdivision must comply with the Act and DEP's rules.
- 2.3.4.2 For subdivisions that do not require a SLODA permit, but require a DEP permit under the Stormwater Law, the stormwater management for the subdivision must comply with the requirements of DEP Chapter 500 Stormwater Management Rules.
- 2.3.4.3 For all subdivisions which disturb more than 20,000 square feet of land at full buildout, adequate provision must be made for the management of the quantity and quality of all stormwater generated within the subdivision through a management system using practices equivalent to those described in the current version of the Maine Stormwater Management Design Manual, published by the Maine Department of Environmental Protection. "Adequate provision" for stormwater quantity means the post-development peak discharge rate does not exceed the pre-development peak discharge rate for the design storm (see definition).
- 2.3.4.4 The design of stormwater systems must be fully cognizant of off-site run-on which passes over or through the proposed subdivision. The system must be designed to pass off-site run-on and runoff from the subdivision generated by the design storm at full buildout, without surcharging the system.
- 2.3.4.5 Subdivisions within the watershed of a lake most at risk from new development (Hermon Pond or Patten Pond) or within the watershed of an urban impaired stream (Shaw Brook or Sucker Brook) that include one acre or more of disturbed area must submit proof of compliance with DEP Chapter 502 *Direct Watersheds of Lakes Most At Risk From New Development, and Urban Impaired Streams Rules*.
- 2.3.4.6 The plans and specifications for any stormwater system serving a proposed subdivision must be designed by a professional engineer licensed in the State of Maine and installed according to the approved plans.

**2.3.4.7 The developer must maintain all components of the stormwater management system until one of the following occurs:**

**2.3.4.7.1 The system is formally accepted by the Town. Any stormwater component that is not part of a roadway proposed for public acceptance must be covered by an easement to the Town.**

**2.3.4.7.2 The system is placed under the jurisdiction of a legally created property owners association. The association is responsible for maintenance of the system, and must have adequate financing to carry out this responsibility. For subdivisions outside of the MS4 area, a stormwater maintenance agreement must be executed between the Town and the developer/future property owners. This agreement must be recorded at the Penobscot County Registry of Deeds and referenced on the Recording Plan and in the deeds to each lot within the subdivision. This agreement must include provisions for annual inspection of all components of the stormwater system by a qualified stormwater inspector, and provisions for correcting deficiencies identified. The agreement included in the Hampden Post-Construction Stormwater Management Ordinance may be used as a template.**

**2.3.4.8 For subdivisions where the infrastructure is proposed to be accepted by the Town, if any portion of the stormwater management system is located outside the road right-of-way, the developer must provide the Town with stormwater utility easements. Such easements must be reviewed and approved by the Hampden Department of Public Works prior to Planning Board approval. These easements must be a minimum of 30 feet wide, centered on the stormwater component, or in the case of a non-linear component must fully enclose the area of the facility plus 30 feet from the perimeter of the component (e.g. detention pond).**

**2.3.4.9 Where necessary as part of the stormwater management system, driveway culverts must be installed during road construction to ensure the system functions as designed. The driveway apron must be constructed over the culvert to provide access to the lot, however it is not necessary to pave the apron until the lot is developed.**

**2.3.4.10 All culverts must be sized based on the watershed upgradient of the culvert and in no case be smaller than 12 inches in diameter.**

**2.3.4.11 All components of the stormwater management system must comply with the most recent edition of the MaineDOT Standard Specifications and good engineering practices.**

## **2.3.5 Solid Waste**

Solid waste generated by occupants within the proposed subdivision must be handled in compliance with the Hampden Solid Waste Flow Control and Licensing Ordinance. If the additional solid waste from the proposed subdivision exceeds the capacity of the Town's solid waste facility, or causes the Town's facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the Town to exceed its contract with a non-municipal facility, the applicant must make alternate arrangements for the disposal of solid waste for a period not exceeding 5 years. The alternate arrangements must be at a disposal facility which is in compliance with its license.

## **2.3.6 Streets and Sidewalks**

### **2.3.6.1 Street Layout**

1. The street system of the proposed subdivision is to be designed to coordinate with existing, proposed, and planned streets. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs are to be provided as deemed necessary by the Planning Board to provide access to abutting properties or to logically extend the street system. All street stubs must be provided with temporary turn around or cul-de-sacs unless specifically exempted by the Planning Board with the recommendation of the Public Works Director, and the restoration and expansion of the street will be the responsibility of any future developer of the abutting land. Lanes and streets should connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections may not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
2. Where necessary as determined by the Planning Board to safeguard against hazards to vehicle drivers, bicyclists and pedestrians, or to avoid traffic congestion, provision must be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways, transportation demand management techniques, and traffic controls within existing public streets.
3. Where a subdivision abuts or contains an arterial street, no lot may have vehicular access directly to the arterial street. This restriction must be noted on the subdivision plan and in the deed of any lot which abuts the arterial street.
4. Where a lot abuts two or more streets, the driveway access to the lot must be to the street with the lowest potential for creating hazards to traffic or pedestrians. This restriction must be noted on the subdivision plan and in the deed of any lot so affected.
5. Street intersections must be as close to 90 degrees as possible, and in no case less than 60 degrees.

6. Reserve strips of land controlling access to streets are prohibited except where the control of the strip is definitely placed with the Town under conditions approved by the Town Council.
7. Where a subdivision borders an existing narrow street (below the standards set herein), or when the comprehensive plan or capital improvement plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the preliminary and final plans must indicate reserved areas for the road improvements marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance.

#### 2.3.6.2 State Permits

1. Accesses into the subdivision connecting to any state or state-aid highway must be granted a permit by the Maine Department of Transportation (DOT) under their *Highway Driveway and Entrance Rules*. **This permit must be issued prior to final subdivision approval.**
2. Accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour must meet the minimum access permitting requirements of the Maine Department of Transportation *Rules and Regulations Pertaining to Traffic Movement Permits*.

#### 2.3.6.3 Roadway Design Standards

1. Minimum sight distance requirements for all subdivision accesses connecting to external streets are contingent on the posted speed of the external street connecting to the subdivision access and must comply with the distances in the

Posted Speed (MPH) of existing road that proposed road will intersect with	Sight Distance (feet)	
	Lane or Street	Nonresidential Street
20	155	230
25	200	300
30	250	375
35	305	455
40	360	540
45	425	635
50 <sup>1</sup>	495	740
Footnotes:		
1. The section of Main Road South (Route 1A) where the speed limit is 50 MPH is designated as a ME DOT "Mobility Arterial." All new subdivision streets accessing in this section are required to have a minimum sight distance of 840 feet.		

following table.

2. Street design and construction standards. All new streets in the Town of Hampden must comply with the standards in the following table. For streets with design speeds greater than 30 mph, the Planning Board has the authority to increase these minimum standards. For streets that will remain private, see §2.3.6.3.4.

<b>Item</b>	<b>Lane</b>	<b>Street</b>	<b>Nonresidential Street</b>
ADT Volume	0-250	>250	Any
Number of lots/units	1-25	26+	Any
Minimum right-of-way width	66 ft	66 ft	100 ft
Minimum distance to street intersection	125 ft	200 ft	200 ft
Minimum centerline radii on curves	90 ft	165 ft	260 ft
Minimum tangent length between reverse curves	100 ft	200 ft	200 ft
Minimum K-factor, crest vertical curve (hill)	12	7	29
Minimum K-factor, sag vertical curve (dip)	17	26	49
Minimum radius at intersections	15 ft to lane 15 ft to street	20 ft to street	25 ft to street 25 ft to nonresid st
Minimum sight triangle easement (length along primary or existing street/length along secondary or new street)	75 ft/30 ft	150 ft/40 ft	200 ft/40 ft
Minimum pavement width	20 ft	24 ft	24 ft
Minimum shoulder width	2 ft	2 ft	3 ft
Minimum grade	0.5%	0.5%	0.5%
Maximum grade	8%	8%	8%
Distance from intersection where maximum grade is 3%	50 ft	75 ft	75 ft

<b>Item</b>	<b>Lane</b>	<b>Street</b>	<b>Nonresidential Street</b>
Minimum road crown, centerline to edge of pavement	3 in	3 in	3 in
Dead end streets:			
Solid cul-de-sac			
Minimum right-of-way radius	50 ft	55 ft	60 ft
Minimum pavement radius	35 ft	40 ft	40 ft
Maximum pavement radius	40 ft	45 ft	45 ft
Open center cul-de-sac			
Minimum right-of-way radius	80 ft	80 ft	84 ft
Minimum inside pavement radius	50 ft	50 ft	50 ft
Minimum outside pavement radius	70 ft	70 ft	74 ft
Minimum pavement width	20 ft	20 ft	24 ft
T or Y end	Permitted for lanes serving up to 10 units	Not Permitted	Not Permitted
Minimum pavement width	20 ft	NA	NA
Minimum length of T or Y	60 ft	NA	NA
Minimum depth of subgrade grading from top of pavement	26 in	28 in	34.5 in
Minimum depth of sub-base gravel	18 in	18 in	24 in
Minimum depth of upper base gravel	4 in	6 in	6 in
Minimum thickness of pavement – base course	2.5 in	2.5 in	3 in
Minimum thickness of pavement – surface course	1.5 in	1.5 in	1.5 in

3. All streets must comply with the following standards:

- a. The grades of streets should follow the existing topography to the greatest extent practicable.
- b. The steepest side slope permitted is three feet horizontal to one foot vertical (3:1) and all side slopes must have a minimum of six inches of loam and be seeded. The only exception to this standard is where there is a cut into ledge, where the exposed ledge may be up to one foot horizontal to four feet vertical (1:4). Where a side slope extends outside the required right-of-way, the boundary of the right-of-way must be adjusted to contain the entire side slope area.
- c. All underground utilities must be installed prior to paving to avoid cuts in the pavement, and wherever possible should not be installed under the pavement. All utilities to serve structures (e.g. houses) must be installed to the edge of the right-of-way prior to paving.



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- d. The roadway area must be brought to the grade shown on the approved plan, profile, and cross-section using suitable gravel. The sub-base and base materials must meet the standards for aggregate courses as contained in the current edition of the ME DOT Standard Specifications.
  - e. For paved streets, after the sub-base has been compacted to the appropriate degree, pavement meeting the requirements of the current edition of the ME DOT Standard Specifications is to be applied. Where new pavement abuts existing pavement, the existing pavement must be ground a minimum of 12 inches back from the joint and a butt joint used.
  - f. The Planning Board may require curbing of streets.
  - g. Existing trees within the center of an open center cul-de-sac must be preserved to the greatest extent practical, taking into consideration the need for space for snow storage. Where the location and the type of root system of a specific tree would have a negative impact on the pavement, it may be removed. Any other vegetation to remain or to be planted should be of a type that requires minimal maintenance. The use of low impact development best management practices within the open center is encouraged.
4. Private streets. For streets that are proposed to be private, the following modifications to the standards listed above apply. Any private street that is designed or constructed to these reduced standards will not be eligible for acceptance as a public way at any time unless the roadway is brought up to the standards for the applicable type (lane, street, or nonresidential) that are in effect at the time of the request for acceptance.
- a. The minimum right-of-way width may be reduced to 50 feet for lanes and streets.
  - b. Pavement is optional for subdivisions of 4 or fewer lots for single family residences. All other subdivisions must have paved streets.
  - c. Unpaved lanes or streets must have a minimum thickness of 4 inches of surface gravel.
  - d. Paved lanes or streets may have pavement width as narrow as 16 feet.
  - e. The minimum distance from an intersection where the maximum grade is 3% is 100 feet for an unpaved road, to minimize material washing into the intersection.
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**5. Preparation of the right-of-way.**

- a. Before starting any clearing of the right-of-way, the center line and side lines of the new street must be staked or flagged at 50 foot intervals.
- b. The entire right-of-way is not to be cleared. Only the area required for construction of the street, sidewalk, shoulders, stormwater management facilities, and underground utilities is to be cleared. Within that area, all vegetation including stumps, roots, and brush, and all shallow ledge and large boulders must be removed.
- c. All organic materials or other deleterious material shall be removed to a depth of two feet below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub grade of the roadway. On soils which have been identified by the developer's engineer as not suitable for roadways, either the subsoil shall be removed to a depth of two feet below the sub grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a ME DOT approved stabilization geotextile may be used.

**2.3.6.4 Sidewalks**

1. The Planning Board may require a sidewalk on one side of the street for any through-way street.
2. All sidewalks must be a minimum of 5 feet wide, separated from the edge of the street pavement with an esplanade of at least 6 feet in width.
3. All sidewalks must have a minimum of 9 inches of gravel base, and be paved with a minimum of 2 inches of pavement laid down in two lifts of 1 inch each.
4. All sidewalks must comply with the Americans With Disabilities Act.

**2.3.6.5 Street Names and Signage**

1. Each street, regardless of ownership (public or private) in a proposed subdivision must be named in accordance with the Hampden E911 Addressing Ordinance.
2. Proposed street names must be shown on the sketch plan and must be approved by the Addressing Officer prior to Planning Board approval of the recording plan.
3. To assist in assigning addresses to the structures to be built within the subdivision, the final street layout plan must include markings every 50 feet

along each edge of the street (pavement or gravel travel way) specifically for future address assignments.

4. All street signage including but not limited to stop signs and street name signs must be provided by and installed by the developer, must meet town specifications, and must be approved by the DPW Director.
- 2.3.6.6 **Street Lighting.** All street lights shown on the subdivision plan are to be installed by the developer and must conform to the requirements of the Town and the utility company.
- 2.3.6.7 **Street Trees.** Street trees are required along roadways. Where no trees exist, such as open fields or lands where forest harvesting has eliminated the majority of trees worthy of preservation, trees must be planted approximately 50 feet apart, with flexibility to account for driveway locations, utility poles, and other infrastructure facilities that would preclude the planting of a tree, including underground utilities and private service connections. Appropriate species must be chosen to minimize maintenance, negative impacts on stormwater management systems or underground utilities, and impacts from overhead utility lines. Where necessary, the Planning Board may waive the requirement for street trees on one side of the street to avoid overhead or underground utility conflicts. Where existing trees are present, the plans must show which are to be retained to fulfil the intent of the above, and appropriate measures must be taken to protect such trees from damage during construction. Any trees noted to be retained which are either cut or die as a result of construction must be replaced with new trees per the guidance above prior to the issuance of a Certificate of Compliance for the subdivision.
- 2.3.6.8 **Postal Delivery**
1. All new subdivisions must comply with the United States Postal Service (USPS) requirements for mail delivery. In most cases for major subdivisions, this will require the placement of a centralized delivery structure. This structure must be shown on the preliminary subdivision plan and must be designed with a pull-off area large enough for at least two cars to pull off the traveled way.
  2. Where individual mailboxes are permitted by the USPS, they must be mounted on "gooseneck" type posts which must be installed in the ground a minimum of 4 feet from the edge of pavement and the bottom of the mail receptacle must be 45 inches from the ground to allow for clearance space for plows.

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**Article 3: Procedures****3.1 General Procedure**

- 3.1.1** All subdivision applications must submit two copies of a sketch plan to the Town Planner for a determination of the type of subdivision (minor or major, standard or cluster) and the type of road (lane, street, or nonresidential).
- 3.1.2** The Town Planner must make a determination of the subdivision type and process to follow, and notify the applicant of such in writing within 14 calendar days of the submission of the sketch plan. In the event the applicant disagrees with the decision, the Planning Board will make the final determination at their next available meeting.

**3.2 Minor Subdivisions**

- 3.2.1** Application. Upon receipt of 14 copies of the minor subdivision plan and recording plan, the Town Planner will:
  - 3.2.1.1** Provide a written, dated receipt to the applicant;
  - 3.2.1.2** Review the application and make a determination whether it is complete; if it is not complete then notify the applicant in writing that it is not complete, noting missing items;
  - 3.2.1.3** Place the application on the next available Planning Board agenda in compliance with the published application deadline schedule; and
  - 3.2.1.4** Mail to the following via first class mail a notification letter providing the location of and a description of the proposed subdivision:
    - 1. All abutters within 300 feet of the parent parcel
    - 2. Any municipality abutting the parent parcel
    - 3. Any public drinking water supplier if the subdivision is within their source water protection area.
- 3.2.2** Planning Board Action. At the Planning Board meeting, the applicant is to make a presentation of the proposal and staff comments are provided. The Planning Board will then deliberate on the application and unless they make a finding that the application does not meet the approval criteria, or additional information is needed, they will take action on the application. Such action may be approval as submitted, approval with conditions, or denial. If approved and no conditions are placed which require a modification of the plan, the Board will sign the subdivision plan; otherwise a revised final plan must be submitted for review to determine compliance with any conditions that required plan modification, and once ready, the Board will sign the plan. A Board Order will also be prepared and signed by the Planning Board; it will list any conditions placed on the approval.

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### **3.3 Major Subdivisions**

#### **3.3.1 Sketch Plan:**

- 3.3.1.1** Upon determination by the Town Planner that the proposed subdivision is a major subdivision (see §3.1.2), the Planner will distribute the sketch plan to the Staff Review Committee and the Planning Board. The purpose of this step is to provide an opportunity for the applicant to describe the proposed project and solicit comments from staff and the Planning Board which may be helpful to the applicant prior to the expenditure of substantial sums of money for surveying and engineering work.
- 3.3.1.2** The Town Planner will place the sketch plan on the next available Planning Board agenda in compliance with the published application deadline schedule.
- 3.3.1.3** At the Planning Board meeting, the Board and applicant are to discuss the sketch plan and any comments are non-binding and are to be presented verbally to the applicant.

#### **3.3.2 Preliminary Plan:**

- 3.3.2.1** The applicant is to submit 5 full size copies of the preliminary subdivision plan with all required documentation, fees, and escrow account deposit within 6 months of the Planning Board meeting on the sketch plan. If more than 6 months has passed, then the sketch plan must be resubmitted. If any amendments to the Zoning or Subdivision Ordinances have become effective since the submission of the sketch plan, the preliminary plan must comply with those amendments.
  - 3.3.2.2** The Town Planner will place the preliminary plan on the next available Planning Board agenda for a Public Hearing in compliance with the published application deadline schedule.
  - 3.3.2.3** Public hearing notification:
    - 1.** Must include the date, time, and place of the hearing, the location of the proposed subdivision, and a general description of the project
    - 2.** Town staff will mail the notification via first class mail to the applicant, the applicant's agent if applicable, and to each abutter within 300 feet of the parent parcel
    - 3.** Town staff will place the notice for publication in a newspaper of general circulation in Hampden which must be published twice, with the date of the first publication 7 or more days prior to the hearing
  - 3.3.2.4** The Town Planner will distribute the application to the Staff Review Committee and to the reviewing engineer for review, with a due date for comments 21 days from the receipt of the application from the applicant.
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- 3.3.2.5 The Town Planner will submit a written preliminary report including all comments received from the staff and engineer to the applicant within 26 days of receipt of the application.
- 3.3.2.6 If modifications are necessary, the applicant must submit 14 copies of a revised preliminary plan with all required documentation at least 9 days prior to the scheduled Planning Board meeting. If no modifications are necessary, the applicant must submit 9 copies of the plan and all required documentation within this timeframe.
- 3.3.2.7 The Town Planner will distribute the preliminary plan to the Planning Board, and if applicable, to the Staff Review Committee and reviewing engineer, along with a report from the Town Planner.
- 3.3.2.8 The public hearing will be held in accordance with the Planning Board Bylaws, and upon completion of the hearing, the Planning Board, within 30 days of the conclusion of the public hearing, must take action on the application. The Board and the applicant may agree to a longer timeframe when circumstances warrant. The Planning Board action may be any of the following, to be noted as appropriate in a written Board Order, which must include findings of fact regarding the approval criteria:
1. Approval of the preliminary plan as submitted.
  2. Approval of the preliminary plan with conditions that the Board considers advisable to satisfy the approval criteria or any other local regulation, or to protect the public's health, safety, and general welfare. The Board Order should include a listing of modifications necessary to be made to the proposed plan for the final plan submission, and any waiver requests that the Board agrees to.
  3. Denial of the preliminary plan, in which case the Board Order must include formal findings of fact that support the denial.
  4. Failure of the Planning Board to take action within the 30 day timeframe will result in an automatic approval with no conditions.

**3.3.3 Final Approval, Recording Plan**

- 3.3.3.1 The applicant must submit 14 copies of the recording plan with the application form, improvement guarantee, and application fee within 6 months of the Board Order on the preliminary plan. If more than 6 months has passed, then the preliminary plan must be resubmitted. If any amendments to the Zoning or Subdivision Ordinances have become effective since the submission of the preliminary plan, the preliminary and recording plans must comply with those amendments. In cases where delays have been caused by other regulatory bodies such that the 6 month deadline cannot be met, the applicant can, prior to the deadline, request in writing an extension which states the reasons for the

request and a proposed extension timeframe. At its next available meeting, the Planning Board must consider the request and may grant it or deny it. In deliberating on the request, the Board should consider whether they believe the applicant has been making progress in preparation of the recording plan and in pursuing approval from other agencies.

- 3.3.3.2 The Town Planner will place the application on the next available Planning Board agenda in compliance with the published application deadline schedule.
- 3.3.3.3 The Town Planner will distribute the application to the Staff Review Committee for review, with a due date for comments 14 days from the receipt of the application from the applicant.
- 3.3.3.4 The Town Planner will distribute the application to the Planning Board along with a report including all staff comments.
- 3.3.3.5 The Planning Board must make a decision within 60 days of the application submittal unless there is a written agreement between the applicant and the Board to extend the timeframe. A Board Order must be prepared which includes findings of fact regarding the approval criteria and, if necessary, any conditions to ensure the approval criteria are met.

### 3.4 Amendments to An Approved Subdivision Plan

- 3.4.1 Any modification to an approved subdivision plan must be approved by the Planning Board prior to recording said modified plan at the registry of deeds, regardless of when the subdivision approval was granted in relation to when the modification is requested. This is to ensure compliance with Title 30-A MRSA §4406 paragraph 1(E).
- 3.4.2 A modification that does not create any new lots or housing units and that maintains the general design of the approved subdivision should follow the procedures under Minor Subdivision (§3.2). This includes the combining of two or more lots into a single lot.
- 3.4.3 Any other modification (e.g. creates new lots or housing units, or is a substantial deviation from the approved subdivision plan such as changes to overall layout) must follow the procedures for Major Subdivision, preliminary plan (§3.3.2) and final plan (§3.3.3).
- 3.4.4 The submission requirements of §3.7 should be adhered to only to the extent necessary to provide the Planning Board with sufficient information for them to determine that the proposed modifications are in compliance with the approval criteria. The Board reserves the right to require additional information than what is submitted when they believe such information is needed for them to make a decision on the application.
- 3.4.5 In all cases the revised final subdivision plan must include the title of the subdivision and the recording information from the registry of deeds of the original and any subsequent approved plans (e.g. book and page or cabinet and sheet).
- 3.4.6 The Planning Board's review is limited to those portions of the subdivision plan that are proposed to be modified, and the impacts and effects of such modifications.

**3.5 Appeals.** An appeal may be taken by any party, within 30 days from the Planning Board's decision on the Recording Plan, to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

**3.6 Improvement Guarantee.** All subdivisions which involve the construction of any improvements necessary for access to, or utilities for, the lots within the subdivision, including but not limited to roads, sidewalks, stormwater management facilities, sewer lines, water lines, water sources for firefighting purposes, but excluding power or communication infrastructure, must provide an improvement guarantee in accordance with this section.

**3.6.1 Types of Guarantees.** Any one or a combination of the following are acceptable:

**3.6.1.1** An escrow account funded by cash or a certified check payable to the Town of Hampden and governed by an escrow agreement in a form reviewed by the Town Attorney and accepted by the Town Manager. Any interest earned on the escrow account shall be returned to the developer.

**3.6.1.2** An escrow account funded by a savings account or certificate of deposit naming the Town of Hampden as escrow agent.

**3.6.1.3** An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, reviewed by the Town Attorney and approved [accepted?] by the Town Manager. The letter of credit must indicate that the funds are solely for the use of the specific subdivision, and must include the procedures for the release of funds to the developer, and if necessary, the Town.

**3.6.1.4** A performance bond running to the Town of Hampden issued by a surety company licensed to do business in the State of Maine, reviewed by the Town Attorney and accepted by the Town Manager. The performance bond must indicate that the bond covers only the specific subdivision, set forth the conditions of the bond, the method for release of all or a portion of the bond to the developer, and the procedures for collection by the Town.

**3.6.2 Amount and Content.** The amount of the guarantee shall be 125 percent of the cost of furnishing, installing, connecting and completing in good working condition all of the roads, storm drainage system, sewer and water systems, water supplies for fire suppression, recreational amenities, and other similar improvements, as specified in the final approval. The improvement guarantee must be based on a construction schedule, including cost estimates for each major phase of construction taking into account inflation and provisions for inspections of each phase of construction. The improvement guarantee instrument must specify a date after which the developer will be in default and the Town will have access to the funds to finish construction. The improvement guarantee may, at the discretion of the Town, provide for partial releases of the improvement guarantee amount as specific portions of the required improvements are completed, but any requested release can only be made after approval by the Town Manager with a positive recommendation by the Director of Public Works.



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- 3.6.3 **Duration.** The improvement guarantee must remain in force for the entire period during which development of the subdivision occurs, or in the case of default, while the Town pursues its remedies for default, until the guarantee is released by the Town in accordance with §3.6.6. If the time frame for constructing the improvements covered by the guarantee is extended, the improvement guarantee shall also be extended. If an improvement guarantee expires and is not renewed, the Town will deny any request for public acceptance of any infrastructure within the subdivision.
- 3.6.4 **Building Permits.** Per §5.3.1.2 of the Hampden Zoning Ordinance, a building permit may be issued for a new structure on a lot within a new subdivision prior to completion of the road and other infrastructure, but no Certificate of Occupancy will be issued until compliance with §5.3.2.1.4 of the Zoning Ordinance is proven.
- 3.6.5 **Phased Construction.** The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by an improvement guarantee. When development is phased, road construction must commence from an existing public way. Final approval of lots in subsequent phases must not be granted until all requirements pertaining to previous phases have been completed to the satisfaction of the Town.
- 3.6.6 **Release of Guarantee.** Prior to the release of any part of the improvement guarantee, the Town Manager shall determine to his/her satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested. The decision of the Town Manager is to be based upon a report from the inspecting engineer, the Director of Public Works, and any other town departments or outside agencies who may be involved.
- 3.6.7 **Default.** The improvement guarantee instrument must specify a date after which the developer will be in default and the Town will have access to the funds to finish construction. The improvement guarantee may, at the discretion of the Town, provide for partial releases of the performance guarantee amount as specific portions of the required improvements are completed.
- 3.7 **Construction**
- 3.7.1 **Pre-construction Meeting.** Prior to the initiation of construction (including clearing and grubbing of the site), a pre-construction meeting must be held with the developer, Director of Public Works, Hampden Water District (if applicable), Town Planner, and Code Enforcement Officer. Evidence of issuance of required state and local permits that were obtained after final approval of the plans by the Planning Board must be submitted by the developer at this meeting. The purpose of this meeting is to ensure that the town staff can arrange for inspections to assure that all specifications, requirements, and conditions of the subdivision approval are met during the construction of required improvements, and to assure the satisfactory completion of those improvements.
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**3.7.2 Requirements Prior to Construction.**

**3.7.2.1** Deposit with the Town an inspection fee in accordance with the Fees Ordinance. This money is to be deposited in a separate Construction Inspection Draw Account specific to the subdivision.

**3.7.2.2** Construction entrance/exit. A pad of coarse aggregate must be installed at each construction entrance/exit for the purpose of removing soil from the tires of vehicles exiting the site. This pad must be a minimum of 75 feet in length and 24 feet in width, constructed with angular aggregate of 2-3 inch diameter, a minimum of 6 inches deep, placed over a geotextile filter fabric to prevent stones from being pushed into the underlying soil. As needed, diversion ridges or berms should be used to divert runoff to a sediment trap. An alternative design may be approved by the Director of Public Works. If the pad becomes clogged with sediment it should be replaced. If sediment is tracked onto any public road, the developer is responsible for cleaning it off in an appropriate manner (e.g. use of a street sweeper) within 24 hours of being notified by the town that cleaning is required, or for paying the cost if the town sweeps it up.

**3.7.2.3** Development sign. The developer must post a 24"x36" weather resistant sign at the entrance of the subdivision which states the name of the project, the hours of operation, the phone number of the developer, and the phone number of the Hampden Public Safety Department.

**3.7.3** Permitted Construction Times. No construction activity which may cause noise, vibrations, glare, dust, debris, or other detrimental impact to abutting property owners shall be permitted earlier than 7:00 am or later than 7:00 pm Monday through Saturday or earlier than 9:00 am or later than 5:00 pm on Sunday. The Planning Board reserves the right to set different construction times as a condition of approval on the Final Subdivision Plan.

**3.7.4** Debris and Trash. The site shall be kept reasonably clear of construction debris and trash, and said debris and trash shall be removed periodically from the site. Debris or trash which becomes a nuisance to abutters shall be removed by the developer immediately upon notification by the Town or its representative.

**3.7.5** Dust Control Measures. Measures must be in place while sweeping and during construction, using proper dust control methods.

**3.7.6** Stockpiling. Materials shall only be stockpiled in the locations as shown on the plans and shall be screened from the view of existing homes on any abutting property to the extent practicable. All stockpiles shall be removed by the developer upon completion of the infrastructure and prior to release of any portion of the improvement guarantee.

**3.7.7** Inspections.

**3.7.7.1** Inspections required. The Town must designate a professional engineer qualified to conduct field inspections to serve as the inspecting engineer for the

subdivision. The inspecting engineer will serve under the guidance of the Director of Public Works. The developer is responsible for paying all costs associated with the inspections by the inspecting engineer, via the Construction Inspection Draw Account.

**3.7.7.2 Inspection schedule.** The following inspections are required, and additional inspections may be required at the direction of the Director of Public Works:

1. construction stakeout of roads and lots
2. installation of erosion control measures
3. after land clearing and grubbing
4. sewer installation (this does not replace any inspections required by the Sewer Ordinance, although if arranged in advance a single inspection may satisfy both needs)
5. water installation (this does not replace any inspections required by the Hampden Water District, although if arranged in advance a single inspection may satisfy both needs)
6. utility installations (electric, cable, telephone, gas, street lights; this inspection will be made at the discretion of the inspecting engineer)
7. stormwater management system installation (may require more than one inspection depending on construction sequence)
8. roadway:
  - a. subgrade excavation and compaction
  - b. gravel base and compaction
  - c. curbing installation
  - d. sidewalks
  - e. proof rolling for pavement
  - f. base course installation
  - g. top course installation
  - h. guardrail, wall installation (if applicable)
9. loam, seed, and fertilizer installation, or other stabilization methods where appropriate or where required by the DEP
10. street tree planting
11. street sign installation
12. monumentation for streets and lots
13. final clean-up of the site

**3.7.7.3 Requests for inspections.** The developer is responsible for contacting the inspecting engineer a minimum of two working days prior to requested inspections, and for maintaining communication with the engineer to ensure an efficient construction process.

**3.7.7.4 Failed inspections.** If any deficiencies in construction are found by the inspecting engineer, the developer shall be notified in writing of the deficiencies and the required corrective measures within two working days, as well as verbally in person or by phone as soon after the inspection as possible. A copy of the

written notice shall be submitted to the Director of Public Works, the Town Planner, and any other applicable Town department.

- 3.7.7.5 Failure to receive inspection.** If any required inspection is not performed due to negligence of any kind on the part of the developer (including but not limited to failure to notify the inspecting engineer in a timely fashion or continuation of work prior to a scheduled inspection), the Director of Public Works, with the advice of the inspecting engineer, reserves the right to require that the un-inspected work be uncovered and inspected, or if feasible, that a third party testing company perform appropriate tests to determine the adequacy of the work prior to continuation of construction. Subdivision roadways and related infrastructure that do not pass all required inspections will not be recommended for acceptance until all deficiencies are corrected.
- 3.7.8 Field Changes.** If at any time before or during the construction of the required improvements the subdivider demonstrates to the satisfaction of the Director of Public Works that unforeseen conditions make it desirable to modify the design of such improvements, the Director of Public Works may, in consultation with the inspecting engineer and Town Planner, authorize modifications provided that they are within the spirit and intent of the Planning Board approval and do not constitute waiver or substantial alteration of the function of any improvements required by the Planning Board. The Director of Public Works shall issue any authorization under this section in writing, and shall transmit a copy of such authorization to the Town Planner and Planning Board.
- 3.7.9 Damage.** Any damage to existing public or private streets caused by the construction of the subdivision shall be repaired and paid for by the developer. The developer is responsible for documenting before and after conditions of these roads as proof for determining damage caused by their construction. Final release of any sureties shall not be made until any damage to local streets caused by the construction of the subdivision are repaired and pass inspection by the inspecting engineer and/or the Director of Public Works.
- 3.7.10 Maintenance Responsibility.** The developer is required to maintain all improvements, provide for snow removal on streets and sidewalks, and pay for any street lighting until acceptance of the improvements by the Town or control is placed with a lot owners' association.
- 3.7.11 Time For Completion of Improvements.** All improvements must be completed within two years from the date of the approval of the Recording Plan, as recorded on the subdivision plat, with extensions to this deadline only as follows: the developer can, prior to the deadline, request in writing an extension which states the reasons for the request and a proposed extension timeframe. At its next available meeting, the Planning Board must consider the request and may grant it or deny it. In deliberating on the request, the Board should consider whether they believe the developer has been making progress in construction of the subdivision improvements. Failure to complete the improvements within

the two year period, or as extended by the Board, will result in the Town declaring default and pursuing remedies through the improvement guarantee.

- 3.7.12 **End of Construction Season.** In the event construction of the infrastructure is not completed before the end of the construction season, then the inspecting engineer must inspect the site for the adequacy of the stormwater and erosion control measures to adequately handle stormwater and prevent erosion and sedimentation through the non-construction season. The inspecting engineer must submit a written report on his/her findings and any recommended actions to address problems or potential problems to the Director of Public Works and the developer within 14 days of the inspection. If remedial actions are needed, the developer must implement them within 14 days of the date of the inspecting engineers report. The inspecting engineer must then re-inspect the site; this process is to continue until the site is in satisfactory condition to sit until the next construction season.
- 3.7.13 **As-Built Survey.** Upon completion of construction, the subdivider must present to the Town two copies of an as-built survey and digital files in a format suitable for import into the Town Geographic Information System (GIS). The as-built survey must include the seal of an engineer registered in the State of Maine, distances, angles, bearings, and elevations for complete and accurate determinations of locations on the ground of right-of-way monuments as set, as-built profiles of the centerlines of traveled ways, ledge elevations encountered during construction, and information on the locations, size, materials and elevations of all stormwater management components, sanitary sewer components, fire suppression facilities (e.g. dry hydrant or storage tank), and other underground utility lines, including but not limited to water, electric, and communication. Failure to submit the as-built survey will result in the Town denying any request for public acceptance of any infrastructure in the subdivision.
- 3.7.14 **Final Disposition.** For roads designed with the intention of them becoming public ways, the process for acceptance by the Town is provided in the Town Ways Ordinance. For roads designed with the intention of them being private, final disposition is the responsibility of the developer.

### 3.8 Submission Requirements

- 3.8.1 **Sketch Plan.**
- 3.8.1.1 The sketch plan does not have to be drawn to scale, and does not need to be more involved than a pencil sketch.
- 3.8.1.2 The sketch plan must include the following information as applicable:
1. applicant's name and subdivision name
  2. date, north arrow, and (if used) the scale
  3. tax map and parcel number(s) of the tract being subdivided
  4. tract boundaries per the tax map or a survey
  5. the general layout of the proposed subdivision including streets, lots for development, and open spaces
  6. topography per USGS data, including rivers, streams, and ponds

7. general location of various landcover types – wooded, field, wetland, rock outcrop, etc.
8. general location of floodplain
9. general location of any historic or archeological sites
10. general location of existing structures
11. existing easements or restrictions
12. the location and size of water or sewer utilities to which connection is planned
13. any potential sources of fire protection water supply within one-half mile of the site (public water system, existing fire ponds, other water sources).

3.8.2 Recording Plan. This plan is to contain only that information which is relevant to the transfer of an interest in the property, including:

- 3.8.2.1 The proposed name of the subdivision or identifying title.
- 3.8.2.2 A vicinity map showing the location of the subdivision in relation to the surrounding area, at a scale sufficient to include recognizable intersections or landmarks (e.g. 1:1000 or 1:2000).
- 3.8.2.3 The assessor's map and lot number(s) for the tract.
- 3.8.2.4 The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- 3.8.2.5 The names of abutting property owners including those across a street or stream, as indicated in the town's tax assessment data and no older than six months from the date of the initial submission of the minor subdivision plan or major preliminary subdivision plan.
- 3.8.2.6 The date the plan was prepared, north point, and graphic map scale.
- 3.8.2.7 Space for recording plan revision dates with notations on what the revisions were.
- 3.8.2.8 The name, registration number, seal, and signature of the registered land surveyor who prepared the plan, and the date signed by the surveyor.
- 3.8.2.9 The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
- 3.8.2.10 A standard boundary survey of the tract, giving complete descriptive data by bearings and distances.
- 3.8.2.11 The subdivision layout, with sufficient data to determine the location, bearing and length of every line on the ground, including:
  1. lots for development, with notation of the lot size in acres or square feet, and the lot number enclosed in a circle
  2. any existing or new easements, including notation on the purpose of the easement
  3. any stormwater buffers
  4. any new streets
  5. any lots for open space
  6. These lines shall be tied to previously established reference points.
  7. The type of monument found or to be set at each lot corner and change in direction of right-of-way lines must be indicated (e.g. granite or concrete post, iron pin, or drill hole in rock).

- 3.8.2.12 The location of wetlands and vernal pools.
- 3.8.2.13 Where connection to the public sewer system is not possible, the location of all soil test pits including an indication of which pits are suitable for the installation of a subsurface wastewater disposal system.
- 3.8.2.14 Suitable space for the Planning Board to record their approval which must include a signature block, space for the dates approved by and signed by the Board, and space for recording any conditions or other pertinent notations.
- 3.8.2.15 If the street is to remain private, a notation must appear on the Recording Plan stating the road is private and will never be maintained or accepted by the Town of Hampden unless the roadway is improved to the road standards in the Subdivision Ordinance in effect at the time of application or request for public acceptance.

### 3.8.3 Minor Subdivision Plan

#### 3.8.3.1 Application

1. The application form, filled out completely and signed by both the applicant and owner of the tract being subdivided.
2. A copy of the most recently recorded deed(s) for the tract.
3. Existing and any proposed deed restrictions, easements, rights-of-way or other encumbrances.
4. Wastewater treatment:
  - a. If public sewer is available to serve the proposed lots, a written statement from the Director of Public Works that the Sewer District has the capacity to collect and treat the wastewater, or
  - b. If public sewer is not available, subsurface wastewater test pit analyses for each lot, prepared by a Licensed Site Evaluator.
5. Potable Water supply:
  - a. If public water is available, a written statement from the Hampden Water District that there is adequate supply and pressure for the new lots, or
  - b. If public water is not available, evidence of adequate ground water supply and quality for individual private wells for each lot by a well driller or a hydro geologist familiar with the area.
6. A written statement from the Public Safety Department that water supply needs for fire protection have been adequately met.
7. Agreements or other documents showing the manner in which any proposed open spaces are to be retained by the developer or lot owners.
8. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title.
9. Cost of the proposed subdivision and evidence of financial capacity to complete the project.
10. Written verification of right, title, or interest in the property.

- 3.8.3.2 State and Federal Permits. Copies of the following applications and permits or approvals when applicable:



1. Army Corps of Engineers if a permit under Section 404 of the Clean Water Act is required.
2. Maine DEP, e.g. NRPA, MEPDES, Stormwater.
3. Maine DOT Highway Entrance/Driveway Access Permits.
4. Confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and proof that any mitigation measures required have been met.

**3.8.3.3 Location Map.** The location map is to be drawn at a scale of not more than 1-inch equals 400-feet to show the proposed subdivision in relation to the surrounding area. The map is to show all areas within 1,000 feet of any property line of the proposed subdivision, including:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing streets.
3. Zoning boundaries and designations.
4. Outline of the proposed subdivision and any contiguous land in common ownership with the owner of the proposed subdivision.

**3.8.3.4 Subdivision Plan.**

1. The plan is to be drawn at a scale of 1" = no more than 100'.
2. The plan is to be an appropriate size to legibly show all information, no smaller than 11" by 17" and no larger than 36" by 48". Multiple sheets are acceptable when necessary; an index sheet should be included when four or more sheets are used.
3. The plan must show the entire tract being subdivided, including any "remaining" land. Tract boundaries that are not near the proposed new lots do not need to be surveyed, but need to be shown based on the most accurate information available (e.g. from the deed description).
4. The proposed name of the subdivision or identifying title.
5. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
6. The date the plan was prepared, north point, and graphic map scale.
7. Space for recording plan revision dates with notations on what the revisions were.
8. Location and names of any existing public or private roads abutting the tract.
9. Location of any existing buildings on the tract with a notation whether they are to remain or be removed.
10. The subdivision layout, with sufficient data to determine the location, bearing and length of every line on the ground, including:
  - a. lots for development, with notation of the lot size in acres or square feet, and the lot number enclosed in a circle
  - b. any existing or proposed easements, including notation on the purpose of the easement
  - c. any lots for proposed open spaces

11. An indication of land cover, such as a tree line, a note stating the site is wooded or open field, etc.
12. Boundaries of any flood hazard areas on the tract as depicted on the municipality's Flood Insurance Rate Map.
13. Location of any watercourses, wetlands, or other natural features on or adjacent to the tract.
14. When public sewer is not available, the location of soil test pits (minimum one per lot) including an indication of which areas are suitable for the installation of a subsurface wastewater disposal system.

### 3.8.4 Major Subdivision Preliminary Plan.

#### 3.8.4.1 Application

1. The application form, filled out completely and signed by both the applicant and owner of the tract being subdivided.
2. A copy of the most recently recorded deed(s) for the tract.
3. Existing and any proposed deed restrictions, easements, rights-of-way or other encumbrances.
4. Any subdivision proposing a private street that will serve 5 or more lots must submit a draft of legal documents providing for the perpetual maintenance of the private street, including snow and ice removal.
5. Wastewater treatment:
  - a. If public sewer is available to serve the proposed lots, a written statement from the Director of Public Works that the Sewer District has the capacity to collect and treat the wastewater, or
  - b. If public sewer is not available, subsurface wastewater test pit analyses for each lot, prepared by a Licensed Site Evaluator.
6. Potable Water supply:
  - a. If public water is available, a written statement from the Hampden Water District that there is adequate supply and pressure for the new lots, or
  - b. If public water is not available, evidence of adequate ground water supply and quality for individual private wells for each lot by a well driller or a hydro geologist familiar with the area.
7. A written statement from the Public Safety Department that water supply needs for fire protection have been adequately met.
8. A written statement from the Public Works Director that the proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste.
9. Agreements or other documents showing the manner in which any proposed open spaces are to be retained by the developer or lot owners.
10. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title.
11. Cost of the proposed subdivision and evidence of financial capacity to complete the project.



12. Written verification of right, title, or interest in the property.
  13. The estimated trip generation of the subdivision, provided in average daily total volume, am peak hour volume, and pm peak hour volume.
  14. Homeowners Association (or similar type of organization responsible for any commonly held land or facilities) documents where applicable.
  15. Copy of any new easements to the Town or the Hampden Water District.
- 3.8.4.2 State and Federal Permits or Approvals. Copies of the following applications and permits or approvals when applicable:
1. Army Corps of Engineers if a permit under Section 404 of the Clean Water Act is required.
  2. Maine DEP, e.g. SLODA, NRPA, MEPDES, Stormwater.
  3. Maine DOT, e.g. Highway Entrance/Driveway Access or Traffic Movement.
  4. Maine DHS for public water system and/or engineered subsurface wastewater disposal system.
  5. Confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and proof that any mitigation measures required have been met.
- 3.8.4.3 Location Map. The location map is to be drawn at a scale of not more than 1-inch equals 500-feet to show the proposed subdivision in relation to the surrounding area. The map is to show all areas within 2,000 feet of any property line of the proposed subdivision, including:
1. Existing subdivisions in the proximity of the proposed subdivision.
  2. Locations and names of existing streets.
  3. Zoning boundaries and designations.
  4. Outline of the proposed subdivision and any contiguous land in common ownership with the owner of the proposed subdivision.
- 3.8.4.4 Subdivision Plan
1. The plan is to be drawn at a scale of 1" = no more than 100'.
  2. The plan is to be an appropriate size to legibly show all information, no smaller than 11" by 17" and no larger than 36" by 48". Multiple sheets are acceptable when necessary; an index sheet should be included when four or more sheets are used.
  3. The plan must show the entire tract being subdivided, including any "remaining" land and including any abutting land in common ownership.
  4. The proposed name of the subdivision or identifying title.
  5. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
  6. The date the plan was prepared, north point, and graphic map scale.
  7. Space for recording plan revision dates with notations on what the revisions were.
  8. Acreage of the tract and (based on number of lots or units) the density of the proposed development.

9. Dimensional requirements for the lots per the Zoning Ordinance in effect at the time of application, plus the acreage of the tract within road rights-of-way, other infrastructure or utility easements, open space, and the total acreage of the lots for development.
10. Acreage of wetlands within the tract, plus the acreage of wetland impacts due to road or other infrastructure construction.
11. Location and names of any existing public or private roads abutting the tract.
12. Location and size of existing sewer, water, and stormwater management facilities on or adjacent to the tract, or to which connection is planned.
13. Location of any existing buildings on the tract with a notation whether they are to remain or be removed.
14. The subdivision layout, with sufficient data to determine the location, bearing and length of every line on the ground, including:
  - a. lots for development, with notation of the lot size in acres or square feet, and the lot number enclosed in a circle
  - b. any existing or proposed easements, including notation on the purpose of the easement
  - c. any lots for proposed open spaces
  - d. all rights-of-way
15. The location, type, and size of trees over 12" DBH, an indication of land cover on the tract (such as a tree line, a note stating the site is wooded or open field, etc.), natural vegetation to be left in place, and any proposed landscaping.
16. Boundaries of any flood hazard areas on the tract as depicted on the municipality's Flood Insurance Rate Map.
17. Location of any watercourses, wetlands, rock outcrops, or other natural features on or adjacent to the tract.
18. When public sewer is not available, the location of soil test pits (minimum one per lot) including an indication of which areas are suitable for the installation of a subsurface wastewater disposal system.
19. The topography of the tract shown by contour lines at an interval of not more than 2' in elevation, referenced to USGS datum.
20. A phasing plan when the proposed subdivision is to be constructed in more than one phase.

**3.8.4.5 Infrastructure Design Plans.** Detailed construction drawings showing a plan view, profile, and typical cross section of proposed street. The plan view shall be at a scale of 1" = no more than 40'. The vertical scale of the profile shall be 1" = no more than 4'. The plans shall include the following information:

1. Width and location of all streets proposed by the developer, including edge of right of way, edge of pavement or traveled way, edge of shoulder, clear zone, sidewalks, and curbs. All applicable dimensions must be shown, such as lengths, deflection of angles, radii, central angles of all curves, tangent distances, and bearings.
2. Typical street cross-sections specifying materials, thickness and crowning.

3. Complete curve data shall be indicated for all horizontal and vertical curves.
  4. Turning radii at all intersections.
  5. Centerline gradients.
  6. Traffic control devices, such as stop signs and cross walks.
  7. Location, size, type, and depth of all existing and proposed underground utilities, including but not limited to water, sewer, electric, and communication utilities, including appurtenant structures (e.g. valves, pumps, transformers).
  8. Location, size, and type of all proposed above ground utilities, including location of utility poles and street lights.
  9. Proposed locations of driveways.
- 3.8.4.6 Stormwater Management Plan and Erosion & Sedimentation Control Plan**
1. Location, size, material, profile and cross-section of all existing and proposed drainage components and their location with respect to the existing natural waterways and proposed drainage ways.
  2. The direction of runoff flow through the use of arrows indicating the downgradient direction.
  3. Data, including grading and invert and rim elevations, and calculations prepared by a professional engineer licensed in the State of Maine showing compliance with Section 2.3.4, Stormwater Management.
  4. Low Impact Design. Each applicant is required to submit a statement to the Planning Board documenting proposed Low Impact Design (LID) for the site, which will help to reduce storm water volumes and help to enhance storm water quality. LID includes, but is not limited to green roofs, rain gardens, tree wells, infiltration basins, and permeable pavement. Technical documentation about the proposed LID features must also be submitted. For subdivisions where LID techniques will not improve the quality or reduce volumes, a statement explaining why that is the case must be submitted.
  5. For subdivisions that discharge stormwater into the town's MS4 area, documentation to show compliance with Hampden's Post-Construction Stormwater Management Ordinance, including the required Agreement.
  6. An Erosion and Sedimentation Control Plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine DEP (2016 or as amended).
- 3.8.4.7 Additional Information.** The Planning Board may require additional information when it is determined necessary to meet the criteria of the State Subdivision Statute Title 30-A, M.R.S.A., section 4401, including:
1. High Intensity Soil Survey by a Registered Soil Scientist.
  2. Hydrogeological assessment for a subdivision not served by sewer and if any part of the subdivision is over a sand and gravel aquifer.
  3. Hydrogeological assessment if the average density is more than one dwelling unit per 100,000 sq. ft.

4. **Hydrogeological assessment if the Board determines potential adverse impacts on ground water quality.**

**Article 4: Approval Criteria.** Prior to granting approval for any subdivision, the Planning Board must make findings that each of the following criteria have been met. The burden of proof of compliance with each of these criteria rests with the applicant. These criteria are as required in Title 30-A M.R.S.A §4404, with the exception of §4.22, Private Streets.

- 4.1 **Pollution.** The proposed subdivision will not result in undue water or air pollution, considering at minimum the elevation of the land above sea level and its relation to the floodplain, the nature of the soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, the availability of streams for the disposal of effluents, and the applicable local and state health and water resources rules and regulations.
- 4.2 **Sufficient Water.** The proposed subdivision has sufficient water available as determined by the Hampden Water District and the Hampden Public Safety Department for the reasonably foreseeable needs of the subdivision.
- 4.3 **Municipal Water Supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.
- 4.4 **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- 4.5 **Traffic.** The proposed subdivision will not cause unreasonable congestion or unsafe conditions with respect to the use of existing or proposed highways or public roads and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.
- 4.6 **Sewage Disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- 4.7 **Municipal Solid Waste Disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized.
- 4.8 **Aesthetic, Cultural, and Natural Values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- 4.9 **Conformity With Local Ordinances and Plans.** The proposed subdivision is in conformance with the Hampden Subdivision Ordinance, the Hampden Comprehensive Plan, the Hampden Zoning Ordinance, and where applicable the Hampden Shoreland Zoning Ordinance and the Hampden Floodplain Management Ordinance. In making this determination, the Planning Board may interpret these ordinances and plans.

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- 4.10 **Financial and Technical Capacity.** The applicant/developer has adequate financial and technical capacity to meet the standards of this Ordinance.
- 4.11 **Surface Waters and Outstanding River Segments.** The proposed subdivision, if situated entirely or partially within the watershed of any pond or lake or within the Shoreland Zone (i.e. within 250 feet of any wetland, great pond, or river as defined in Title 38, chapter 3, subchapter I, article 2-B), the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. When lots in a subdivision have frontage on the Penobscot River (an outstanding river segment), the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not included in the lots, the proposed subdivision will be reviewed as if lot lines extended to the shore. The frontage and setback provisions of this paragraph do not apply either within areas zoned as General Development under Hampden's Shoreland Zoning Ordinance, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development predated September 23, 1971.
- 4.12 **Ground Water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- 4.13 **Flood Areas.** The proposed subdivision, if all or a portion of it is located within a flood hazard area based on the Federal Emergency Management Agency's (FEMA) Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, supplemented with information presented by the applicant where necessary, must include a notation on the recording plan stating that the principal structures on any lot so affected must be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Where FEMA maps and data are insufficient for making an accurate determination of the flood elevation, the applicant must determine the 100-year flood elevation and flood hazard boundaries within the subdivision.
- 4.14 **Freshwater Wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.
- 4.15 **Farmland.** All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.
- 4.16 **River, Stream, or Brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.
- 4.17 **Stormwater Management.** The application demonstrates that the proposed site improvements are designed to minimize the amount of stormwater leaving the site and the stormwater management
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system is designed to accommodate the design storm without impairing the upgradient or downgradient conditions.

- 4.18 **Spaghetti Lots Prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
- 4.19 **Lake Phosphorus Concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- 4.20 **Impact on Adjoining Municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- 4.21 **Lands Subject to Liquidation Harvesting.** Any timber harvested on the proposed subdivision tract has been done in compliance with rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. "Liquidation harvesting" means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years, and "parcel" means a contiguous area within the town owned by one person or a group of persons in common or joint ownership.
- 4.22 **Private Streets.** Any subdivision with a road that is designed to the standards herein for private streets must comply with the following criteria:
- 4.22.1 The private street must connect directly to a public road.
- 4.22.2 The private street must be entirely on the applicant's tract, although it can provide access to abutting properties.
- 4.22.3 The applicant must prepare an easement document which runs with the land which:
- 4.22.3.1 Must be recorded at the Registry of Deeds and referenced in every deed to each affected property;
- 4.22.3.2 Covers the entire right-of-way;
- 4.22.3.3 Includes provisions for the permanent ownership and maintenance (including snow and ice removal) of the private street;
- 4.22.3.4 Includes language stating the owners of abutting properties that must rely on the private street as their primary access to their property have the right to grant authorization for any future development beyond that proposed to use the private street that will intensify or alter the use of the right-of-way.
- 4.22.3.5 Includes language stating the road is private and will never be maintained or accepted by the Town of Hampden unless the roadway is improved to the road



- standards in the Subdivision Ordinance in effect at the time of application or request for public acceptance.
- 4.22.3.6** Includes language authorizing use by any public safety personnel from any such agency (local, state, or federal), and that the owners of the private road will hold any such agency harmless for any damage their vehicles may cause in the course of their business.
- 4.22.4** When a property owners association or similar organization is to be the owner of the private street, it:
- 4.22.4.1** Must be formed by the applicant or developer and be operating, with financial subsidization if necessary by the applicant or developer, before the sale or lease of any lot or unit within the subdivision.
- 4.22.4.2** Must have mandatory membership of every property owner within the subdivision.
- 4.22.4.3** Establish written procedures for equitably distributing the cost burden among the property owners.
- 4.22.4.4** Is responsible for insurance, as needed, in addition to all repairs and maintenance of the roadway.
- 4.22.5** Expansion, reconstruction, or other major alteration of a private street that was in existence in a subdivision recorded prior to July 6, 2016 must comply with the design standards and this §4.22 of the Subdivision Ordinance in effect at the time of such road reconstruction.

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**Article 5: Waivers**

- 5.1 Waiver Request.** Any waiver request must be submitted in a letter signed by the applicant or his representative and included with the application. The Planning Board should consider the impact on public policy for each waiver request it considers.
- 5.2 Waiver from Design Standards.** The Planning Board may, by two-thirds of Board members eligible to act on the subdivision application, vote to grant a waiver to any of the design standards of this Ordinance when it finds that the need for the requested waiver is due to the unique circumstances of the property, provided:
- 5.2.1** The developer has submitted clear and convincing documentation explaining:
- 5.2.1.1** that the waiver requested is necessary and appropriate for the proposed subdivision;
  - 5.2.1.2** that a modification in the design of the subdivision would not alleviate the need for the requested waiver; and
  - 5.2.1.3** what the ramifications would be of not obtaining the waiver on the design and functionality of the subdivision.
- 5.2.2** The Planning Board has received written statements from the appropriate Town departments that address the possible effects or impacts of the requested waiver on the public health, safety, and welfare; and
- 5.2.3** Such waiver will not have the effect of nullifying the intent and purpose of the Subdivision Ordinance, Zoning Ordinance, Comprehensive Plan, or other applicable ordinances of the Town of Hampden.
- 5.3 Waiver from Submission Requirements.** The Planning Board may, by a vote of a simple majority, waive submission requirements of this Ordinance for major subdivisions that they determine are not necessary for making a decision on the proposed subdivision. Such waivers must be requested by the applicant in writing at the sketch plan phase. In cases where a submission requirement is not applicable to the subdivision, a formal waiver request is not required. None of the submission requirements for a minor subdivision are eligible for a waiver.
- 5.4 Waivers Recorded.** When the Planning Board grants a waiver to any of the design standards required by this ordinance, the Board Order and the recording plan must indicate the waivers granted and the date on which they were granted.

**Article 6: Enforcement.**

- 6.1 The Planning Board, with the assistance of the Code Enforcement Officer and the Town Manager, will enforce this Ordinance.**
- 6.2 The Planning Board, the Town Council, or the Code Enforcement Officer may institute proceedings to enjoin any violations of this Ordinance, and if a violation is found in court, the Town of Hampden may be allowed attorney fees.**
- 6.3 Any person, firm, or corporation or other legal entity found guilty of a violation of this Ordinance shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452.**

## Article 7: Definitions

Words and terms used in this ordinance shall have the meanings set forth below. Words and terms, which are not defined herein but are defined in the Zoning Ordinance, have the meanings set forth in the Zoning Ordinance. Words and terms, which are not defined herein or in the Zoning Ordinance, have their customary dictionary meanings in the Merriam-Webster print or online dictionary.

**Applicant** – the person or entity that has filed an application for subdivision approval, up until the time the recording plan is approved by the Planning Board. After that date, the person or entity is known as the developer.

**Arterial Street** – A street designed to carry large volumes of traffic. Per Maine Department of Transportation the following streets in Hampden are classified as arterials: Route 1A from the Winterport line to the Bangor line, Route 202 from Western Ave to the Bangor line, and Western Ave from Main Road South to the intersection with Route 202 and the Hampden Academy entrance.

**Average Daily Traffic (ADT)** – The average number of vehicles passing a given point on a roadway during a 24 hour period. Normally calculated using a multi-day count.

**Code Enforcement Officer** – the person employed by the Town of Hampden holding the title of Code Enforcement Officer, or any qualified person or company designated by the Town Manager to serve in that capacity.

**Cluster Subdivision** – A subdivision which is designed according to the provisions of Section 4.6, Cluster Housing, of the Zoning Ordinance.

**Design Storm** – A storm with a prescribed duration and frequency or recurrence interval based on DEP requirements for the permitting level required (Stormwater Law or SLODA).

**Developer** – the person or entity that is constructing the subdivision infrastructure or selling the lots within the approved subdivision. Prior to the date of approval of the recording plan by the Planning Board, the person or entity is known as the applicant.

**DPW Director** – the person employed by the Town of Hampden holding the title of Department of Public Works Director, or any qualified person or company designated by the Town Manager to serve in that capacity.

**Freshwater Wetland** – "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas which are: inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not considered part of a great pond, coastal wetland, river, stream or brook. These areas may contain small stream channels or inclusions of land that do not conform to these criteria.

**Full Buildout** – includes all construction including the roadway and other infrastructure, community buildings, parking lots, driveways, and houses. Accessory buildings such as sheds do not need to be included provided they are less than 200 square feet in size (e.g. an accessory detached garage that is 12'x20' would be included if it is planned to be constructed when the house is built).

**Lane** – a roadway designed to serve the local traffic for no more than 25 housing units (or lots for single family houses).

**Major Subdivision** – A major subdivision is:

1. A standard subdivision which involves no new infrastructure but which has 11 or more lots including the parent parcel, or
2. A standard subdivision which involves new infrastructure regardless of intended ownership of the infrastructure (public or private) which has any number of lots, or
3. Any cluster subdivision, or
4. Any nonresidential subdivision.

**Minor Subdivision** – a standard subdivision which involves no new infrastructure (road, water, sewer, or stormwater management system), with a maximum of 10 lots including the parent parcel.

**MS4 Area** – The area of Hampden subject to the Municipal Separate Storm Sewer System General Permit, which is the summation of the Urbanized Areas (UA) as defined in each of the decennial censuses beginning with the 2000 census by the U.S. Bureau of the Census (i.e. the 2000 UA + 2010 UA + 2020 UA).

**Net Useable Area** – The total area of a lot minus the area of wetlands, streams (perennial or intermittent), or areas designated as stormwater detention facilities.

**Nonresidential Street** – a roadway designed to serve the needs of any commercial, industrial, institutional, or other nonresidential use, with any number of such uses or lots being served.

**Off-site Run-on** – water or stormwater that enters the proposed subdivision tract from up-gradient.

**Parent Parcel** – the tract proposed to be subdivided.

**Pre-development** – the condition of the tract prior to any land clearing or other preparation for development of the subdivision.

**Post-development** – the condition of the tract after full buildout of the project.

**Pump Station** – Any device intended and designed for the purpose of transporting, pumping or lifting of sanitary sewage from residences, nonresidential buildings, or central collection points to the municipal sanitary sewer system. This shall not include lift pumps used in self-contained, on-site subsurface disposal systems.

**Standard Subdivision** – A subdivision which is not a cluster housing development and complies with the standard dimensional requirements of Section 3.4 of the Zoning Ordinance.

**Stormwater Component** – The individual parts of the stormwater system, including but not limited to conveyance pipes, ditches, catch basins, field basins, detention or retention ponds, stormwater buffers, and low impact development practices.

**Stormwater System** – The entirety of the management system for the entire subdivision.

**Street** – a roadway designed to serve the traffic needs for more than 25 housing units (or lots for single family houses).

**Subdivision** – This term is as defined in Title 30-A M.R.S.A. §4401, sub-§4, as amended. A lot of 40 acres or more is not counted as a lot provided the parent parcel is located entirely outside of the Shoreland Zone as defined in the Hampden Shoreland Zoning Ordinance. Appendix B includes a description of what constitutes a subdivision but the actual definition is as in Statute.

**Tract** – All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

**Town Planner** – the person employed by the Town of Hampden holding the title of Town Planner, or any qualified person or company designated by the Town Manager to serve in that capacity.

**Appendix A – typical cross sections for roadways**



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## Appendix B – What constitutes a Subdivision

### The basics:

- The division of a tract or parcel of land into 3 or more lots within any 5 year period.
- The division of an existing structure (regardless of whether previously used for residential, commercial, or industrial purposes) into 3 or more dwelling units within any 5 year period.
- The construction of a new structure with 3 or more dwelling units.
- The construction of or placement of 3 or more dwelling units on a single tract or parcel of land within a 5 year period.
- The first division creates the first 2 lots, and the second division, regardless of which of the first 2 lots is divided and regardless of who divides it, creates the third lot.

However, the following situations result in the division NOT being considered a subdivision under the law. In each case, the division of a structure into dwelling units also applies.

- When the owner of the tract or parcel has, for the 5 years preceding the division, lived in a single family house (principal residence) on the property being divided and creates 2 new lots but continues to live in the house on the property. The two divisions can occur at separate times; if so, the 5 year period is preceding the second division.
  - Any newly created parcel containing a minimum of 40 acres is not counted as a lot. For example, a 100 acre tract divided into one 40 acre lot and two 30 acre lots is not a subdivision under the law, but a 100 acre tract divided into one 40 acre lot and three 20 acre lots is a subdivision under the law.
  - A division accomplished by the following, unless the purpose of the subdivider is to avoid the objectives of the Subdivision Ordinance:
    - devise (will and testament).
    - condemnation.
    - court order.
    - gift to a person related to the donor (spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption), provided:
      - The donor owned the property for a minimum of 5 years prior to the gifting;
      - The gifted lot is not sold to an unrelated person within 5 years after the gifting (if it is, the lot is no longer exempt); and
      - The assessed value of the real estate of the gifted lot is no more than one-half the assessed value of the parent parcel.
    - gift to the town.
    - the transfer of land to one or more abutting landowners to be merged with their land, provided the transferred land is not then transferred without the entire merged land within 5 years (if it is, the transferred land is no longer exempt).
  - The tract has permanent dwelling structures which legally existed prior to September 23, 1971 and is divided such that each dwelling is on its own lot.
  - The grant of a bona fide security interest in an entire lot that has been exempted from subdivision review does not create a lot, unless the intent of the transferor is to avoid the objectives of the Subdivision Ordinance.
-

The definition in Statute, as of August 2019 (without historical references):

"Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres must be counted as a lot, except when a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

D. [repealed]

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to

the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. [repealed]

H. [repealed]

H-1. [repealed]

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2019. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2018 for the definition to remain valid for the grace period ending January 1, 2019. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

**TOWN OF HAMPDEN**

The Town of Hampden Hereby Ordains  
Proposed **repeal** of the Subdivision Ordinance

Deletions are ~~Strikethrough~~      Additions Double Underlined

**~~SUBDIVISION ORDINANCE~~**

*Prepared for the*

**~~TOWN OF HAMPDEN, MAINE~~**

*By*

**~~PENOBSCOT VALLEY REGIONAL PLANNING COMMISSION  
FEBRUARY 1982~~**

~~Financial assistance in the preparation of this document was provided by Maine's Coastal Program through funding provided by the U. S. Department of Commerce, Office of Coastal Zone Management, under the Coastal Zone Management Act of 1972 as amended.~~

~~ADOPTED BY HAMPDEN TOWN COUNCIL: May 17, 1982~~

~~EFFECTIVE DATE: June 17, 1982~~

~~TEXT AMENDED~~

~~AMENDED: April 4, 1983 ——— deletion  
EFFECTIVE: May 6, 1983~~

~~AMENDED: May 7, 1984 ——— 331.2.5  
EFFECTIVE: June 6, 1984~~

~~AMENDED: November 18, 1985 — 532.6 — 1030  
EFFECTIVE: December 18, 1985~~

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EFFECTIVE: January 1, 1987~~

~~AMENDED: September 21, 1987 — 545.3D — 554.4  
EFFECTIVE: October 20, 1987~~

~~AMENDED: October 5, 1987 — 331.2.4 — 332.1.1 — 332.1.4 — 342.5  
EFFECTIVE: November 3, 1987~~

~~AMENDED: March 7, 1988 ——— 565  
EFFECTIVE: April 6, 1988~~

AMENDED: June 6, 1988 ~~331.2.2~~ ~~332.1.2~~  
EFFECTIVE: July 5, 1988

AMENDED: September 19, 1988 ~~1030~~  
EFFECTIVE: October 18, 1988

AMENDED: March 13, 1989 ~~deletion~~  
EFFECTIVE: April 11, 1989

AMENDED: June 19, 1989 ~~332.2.3~~ ~~332.2.4~~ ~~332.2.12~~ ~~443~~ ~~460.26~~ ~~554.4~~  
EFFECTIVE: July 19, 1989

AMENDED: June 3, 1991 ~~544.3~~ ~~545.3D~~  
EFFECTIVE: July 3, 1991

AMENDED: April 6, 1992 ~~deletion~~  
EFFECTIVE: May 6, 1992

AMENDED: October 4, 1993 ~~513~~ ~~531.8~~  
EFFECTIVE: November 3, 1993

AMENDED: December 20, 1993 ~~1031~~  
EFFECTIVE: January 19, 1994

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EFFECTIVE: March 9, 1994

AMENDED: December 4, 1995 ~~552.15.C~~ ~~552.25~~ ~~552.26~~  
EFFECTIVE: January 3, 1996

AMENDED: May 20, 1996 ~~541~~ ~~543~~  
EFFECTIVE: June 19, 1996

AMENDED: February 12, 2002 ~~410~~ ~~420~~ ~~431~~ ~~432~~ ~~450~~ ~~460.3~~ ~~470~~  
EFFECTIVE: March 14, 2002 ~~475~~ ~~481~~ ~~483.3~~ ~~521~~ ~~531.3A~~ ~~532.3~~ ~~532.5~~

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EFFECTIVE: March 14, 2002

AMENDED: November 17, 2003 ~~320~~ ~~330~~  
EFFECTIVE: December 17, 2003

AMENDED: October 3, 2005 ~~521~~ ~~522~~ ~~524~~ ~~552.15.B~~ ~~552.16~~  
EFFECTIVE: November 2, 2005

AMENDED: August 6, 2007 ~~565~~  
EFFECTIVE: September 5, 2007

AMENDED: July 14, 2014 ~~542~~  
EFFECTIVE: August 13, 2014

AMENDED: April 4, 2016 ~~540~~ ~~545 (repealed)~~  
EFFECTIVE: May 4, 2016

AMENDED: July 6, 2016 ~~100~~ ~~310~~ ~~345~~ ~~347~~ ~~431~~ ~~441~~ ~~442~~ ~~444~~ ~~446~~  
EFFECTIVE: August 5, 2016 ~~460~~ ~~513~~ ~~524~~ ~~531~~ ~~532~~ ~~546~~ ~~551~~ ~~555~~

***Town of Hampden, Maine  
Subdivision Ordinance***

\_\_\_\_\_ 570 \_\_\_\_\_ 710 740 \_\_\_\_\_ 1022 \_\_\_\_\_ 1025 \_\_\_\_\_ 1026 \_\_\_\_\_ 1031  
\_\_\_\_\_ 1032

**CERTIFIED BY:** \_\_\_\_\_  
\_\_\_\_\_ **Paula Scott, Town Clerk**

**Affix Seal**

**TOWN OF HAMPDEN, MAINE  
SUBDIVISION ORDINANCE**

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**ARTICLE 100  
DECLARATION OF PURPOSE**

The purpose of these standards shall be to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment, to promote the development of an economically sound and stable community, and to uphold the state Subdivision Law (MRSA) Title 30, Section 4956). This ordinance establishes separate and distinct construction standards and maintenance practices for Public Streets and Private Streets. *(Amended 07-06-16)*

**ARTICLE 200  
AUTHORITY AND ADMINISTRATION**

**210. Authority**—This Ordinance is enacted pursuant to and consistent with Title 30 MRSA Section 4956; the Subdivision Law.

**220. Administration and Enforcement**

221. This Ordinance shall be known and may be cited as the "Subdivision Ordinance of the Town of Hampden, Maine."

222. The Planning Board of the Town of Hampden, with the assistance of the code enforcement officer and the Town Manager (as specified in the ordinance) shall administer this Ordinance.

223. The provisions of this Ordinance shall pertain to all land proposed for subdivision as herein defined within the boundaries of the Town of Hampden.

224. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the Hampden Planning Board and recorded in the Penobscot County registry of deeds, nor shall such person, firm, corporation or other legal entity sell or convey any land in such approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" includes but is not limited to the following: a granite monument, a concrete monument, an iron pin or a drill hole in ledge. No subdivision plat or plan shall be recorded by the register of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

225. The Hampden Planning Board, the Town Council of the Town of Hampden, the code enforcement officer, or the Town of Hampden may institute proceedings to enjoin any violations of this Ordinance, and if a violation is found in court, the Town of Hampden may be allowed attorney fees.

226. Any person, firm, or corporation or other legal entity found guilty of a violation of this Ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000) for each such occurrence.

**ARTICLE 300  
PROCEDURES FOR SUBDIVISION REVIEW**

**310. Introduction**—At the subdivider's option, an application for subdivision approval may propose one or more Public Streets, one or more Private Streets, or a combination thereof. Proposed subdivisions that include one or more Public Streets shall be reviewed under the procedures set forth in section 320 and section 330, inclusive. Proposed Private Street Subdivisions shall be exempt from section 320 and 330, inclusive, and shall be reviewed under the procedures set forth in section 345. *(Amended 07-06-16)*

The subdivider's application for subdivision approval will not be considered complete until a Final Plan, including all required information, has been submitted to the Planning Board. While the subdivider may submit the Final Plan and all related materials to the Planning Board without any prior contact with the board, the subdivider is encouraged to follow the procedures outlined in this Ordinance. The procedures herein outlined are designed to prevent problems related to the statutory time limits for reviewing complete applications and to provide opportunity for a dialogue between the Planning Board and the subdivider so that the approved subdivision will be designed and built in a manner that fulfills the purpose of this ordinance.

**320. Preapplication Meeting and Submission of a Sketch Plan**

321. The subdivider shall submit at least twelve (12) copies of a sketch plan and application to the code enforcement officer at least fifteen (15) days in advance of the regularly scheduled meeting at which she/he wishes it to be considered. The subdivider or his/her authorized agent shall be present at the meeting to discuss the proposal with the Planning Board.

322. The purposes of this preapplication conference between the subdivider and the Planning Board are:

1. To classify the subdivision as a major or a minor subdivision;
2. To provide an opportunity for the subdivider and the Planning Board to informally review the subdivider's ideas for use of the land;
3. To discuss procedures for subdivision review and approval;
4. If road construction is involved in the proposal, to classify the road as either minor or collector;
5. To discuss any apparent potential problems associated with the subdivision; and
6. To arrange for on-site inspection of the subdivision site.

323. The sketch plan shall consist of an outline of the proposed subdivision, drawn on a map drawn to scale, showing the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch. Accompanying the sketch plan shall be a written application which includes a description of existing covenants and easements and zoning; medium intensity soils survey information (obtainable from the Penobscot County Soil Conservation Service); information about available community facilities and utilities on or near the site; information describing the subdivision proposal including the number of residential lots, typical lot width, and depth, plans regarding sewer and water service and road construction; and any proposed nonresidential areas. An application form, available at the town office, shall be used to submit the written information.

~~324. Other than the classification of the subdivision and the roads, if necessary, no binding commitments shall be made between the subdivider and the board at this stage.~~

~~325. The Planning Board shall act on the sketch plan within forty five (45) days of the time it is submitted and shall notify the subdivider of its action in writing, within fifteen (15) days of its action.~~

~~326. Inspection of the site. In order for the Planning Board to be more fully informed about the site, the subdivider shall arrange an inspection of the site with the code enforcement officer and the Planning Board or an individual appointed by the chairman to act as the board's representative for the inspection. The on site inspection must be considered the next step in the subdivision review process.~~

### **~~330. Review of Major Subdivision~~**

#### **~~331. Preliminary Plan~~**

~~331.1. Purpose. The purpose of Preliminary Plan review is to give the Planning Board an opportunity to review the subdivider's proposal while it is in the planning stage and to make recommendations to the subdivider as seem appropriate based on state and local laws and regulations. The intent is that all major issues relative to the subdivision will be identified and resolved prior to the submission of the Final Plan.~~

#### **~~331.2. Procedure~~**

- ~~1. Within six (6) months after classification of the sketch plan as a major subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for a major subdivision. The Preliminary Plan shall substantially conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board.~~
- ~~2. The application for approval of the Preliminary Plan shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance, payable by check to the Town of Hampden, Maine: (Amended: 06-06-88, 11-17-03)~~
- ~~3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.~~
- ~~4. The time of submission of the Preliminary Plan shall be considered to be the date of the regular monthly meeting of the Planning Board at least forty five (45) days prior to which fifteen (15) copies of the application for Preliminary Plan approval, complete and accompanied by the required fee and all data required by section 331.3 of this Ordinance shall have been filed with the code enforcement officer. (Amended: 10-05-87)~~
- ~~5. A public hearing shall be held by the Planning Board at the time of submission of the preliminary subdivision plan. Said hearing shall be advertised in a newspaper of general circulation in the town at least ten (10) days prior to the hearing. A notice of said hearing shall be mailed to each land owner abutting the proposed development and to each landowner within three hundred (300) feet of the property line of the proposed development. Landowners shall be considered to be those against whom property taxes are~~

~~assessed. Failure of any landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. Responsibility for such notification shall be assumed by the code enforcement officer. The applicant shall bear all associated costs of advertisements and notifications. If site plan review is required it shall be combined with this hearing. (Amended: 05-07-84)~~

- ~~6. The purpose of the public hearing shall be for the Planning Board to receive testimony from the public and the Town Council relative to any municipal ordinance, standard, or regulation which is applicable to the proposed subdivision and relative to the relationship of the subdivision to the ordinance, standard, or regulation.~~
- ~~7. Within thirty (30) days after the public hearing, the Planning Board shall take action to give preliminary approval, with or without modifications, or to disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within thirty (30) days of the public hearing shall constitute approval of the Preliminary Plan.~~
- ~~8. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
  - ~~A. The specific changes which it will require in the Final Plan;~~
  - ~~B. Specific information which is over and above that required in section 332.2 of this Ordinance which will be required in the Final Plan review (such additional information must be reasonably related to the review of the subdivision);~~
  - ~~C. The character and extent of the required improvements for which waivers have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare.~~~~
- ~~9. Approval of a Preliminary Plan shall not constitute approval of the Final Plan but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any.~~

~~331.3. Submissions—The preliminary subdivision plan shall be submitted, in the appropriate number of copies, which may be either printed or reproduced on paper. The Preliminary Plan shall be not less than eight and one half (8 1/2) inches by eleven (11) inches and not more than forty-eight (48) inches by thirty-six (36) inches. The plan shall be drawn to a scale in which one inch equals no more than one hundred (100) feet and shall be oriented so the north direction is the same on all sheets. The Preliminary Plan and supporting data shall include the following information:~~

~~331.3.1. Information About the Applicant~~

- ~~map & text 1. Name of owner indicated on the map plan and in accompanying written information.~~
- ~~map & text 2. Name of applicant (if other than owner) indicated on the map plan and in accompanying written information.~~

- ~~text~~ 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of secretary of state's registration in accompanying written information.
- ~~text~~ 4. Name of applicant's authorized representative in accompanying written information.
- ~~map & text~~ 5. Name, address, and number of registered professional engineer or land surveyor indicated on the map plan and in accompanying written information.
- ~~text~~ 6. Address to which all correspondence from the Planning Board should be sent in accompanying written information.
- ~~text~~ 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.) in accompanying written information?
- ~~text~~ 8. What interest does applicant have in any property abutting parcel to be subdivided in accompanying written information?
- ~~text~~ 9. State whether preliminary plat plan covers entire, contiguous holdings of applicant or not in accompanying written information.

~~331.3.2. Information About the Parcel to be Subdivided~~

- ~~text~~ 1. Location of property: Book and page (from register of deeds) in accompanying written information.
- ~~text~~ 2. Location of property: Map and lot (from assessor's office) in accompanying written information.
- ~~map~~ 3. Map survey of tract to be subdivided, certified by a registered land surveyor, tied to established reference points (attach to application) indicated on the map plan.
- ~~map & text~~ 4. Current zoning of property indicated on the map plan and in accompanying written information.
- ~~text~~ 5. Acreage of parcel to be subdivided in accompanying written information.
- ~~map & text~~ 6. A soils report, identifying soil types and location of soil test areas indicated on the map plan. Evidence of soil suitability according to the Maine State Plumbing Code shall be presented if subsurface sewage disposal is proposed. There shall be at least one (1) soil test per lot if subsurface sewage disposal is proposed.
- ~~map~~ 7. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided indicated on the map plan.
- ~~map & text~~ 8. Indicate the nature of any restrictive covenants to be placed on the deeds indicated on the map plan and in accompanying written information.



~~331.3.3. Information About the Subdivision~~

- ~~map & text 1. Proposed name of subdivision indicated on the map plan and in accompanying written information.~~
- ~~map & text 2. Number of lots and lot sizes indicated on the map plan and in accompanying written information.~~
- ~~map 3. Date, north point, graphic map scale indicated on the map plan.~~
- ~~map 4. Proposed lot lines with approximate dimensions and suggested locations of buildings, subsurface sewage disposal systems, and wells indicated on the map plan.~~
- ~~map & text 5. Location of all parcels to be dedicated to public use and the conditions of such dedication indicated on the map plan and in accompanying written information.~~
- ~~map 6. A location map, drawn at a scale in which one (1) inch equals no more than five hundred (500) feet, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area indicated on the map plan. The location map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision (attach to application).~~
- ~~map 7. Location and size of significant existing physical features including but not limited to wetlands, floodplains, watercourse, rock outcrops and trees of twelve inch caliper diameter at chest height indicated on the map plan.~~
- ~~map 8. Location and size of any existing sewers, watermains, culverts and drains on the property indicated on the map plan.~~
- ~~map 9. Location, names and widths of existing and proposed streets, highways, easements, building setback lines, parks and other open spaces indicated on the map plan.~~
- ~~map 10. Contour lines at an interval of not more than two (2) feet in elevation, unless otherwise specified by the Planning Board indicated on the map plan. All elevations shall be referred to USGS datum.~~
- ~~map 11. Typical cross sections of proposed grading for roadways and sidewalks, including materials to be used on roadways and sidewalks indicated on the map plan.~~
- ~~map 12. Storm drainage plan indicating the approximate location and size of proposed lines, catch basins and means of disposal indicated on the map plan.~~
- ~~map 13. The approximate location and size of all proposed water and sewer lines, valves, pump stations and hydrants. Also connections to existing sewer and water systems or alternative methods of water supply and sewage disposal shall be shown indicated on the map plan.~~
- ~~map 14. Location of all other existing and proposed utilities such as electricity and telephone indicated on the map plan.~~



- ~~map~~ 15. Location and type of landscaping including natural growth to be left in place and nursery stock to be planted indicated on the map plan. This information may be indicated on a Preliminary Plan print.
- ~~map~~ 16. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale in which one (1) inch equals not more than five hundred (500) feet showing an outline of the subdivided area with its proposed streets and an indication of the probable future street system in the remaining portion of the tract indicated on the map plan. The part of the subdivider's holding submitted, shall be considered in light of the entire holding.
- ~~map~~ 17. If the preliminary application covers more area than the Final Plan will cover, a map showing the phasing of the entire project, drawn at a scale in which one inch equals not more than five hundred (500) feet and indicating the proposed timing of each phase indicated on the map plan.

### *332. Final Plan*

#### *332.1. Procedure*

1. Within six (6) months of the date of Planning Board action on the Preliminary Plan, the subdivider shall submit the Final Plan to the Planning Board. Failure to submit the Final Plan within the designated time period shall require resubmission of the Preliminary Plan to the Planning Board. However, the subdivider may submit a Final Plan for only part of the subdivision approved in the Preliminary Plan. In that case, each successive phase shall be submitted within three (3) years of the date of approval of the preceding phase. The Final Plan shall consist of two (2) original transparencies of all maps or drawings and fifteen (15) copies of all items necessary to complete the submission. ~~(Amended: 10-05-87)~~
2. The application for approval of the Final Plan shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance. The cost of the following improvements shall be included in the calculation of cost: sewer, storm drainage, and/or street work. The subdivider shall be responsible for providing the Town Manager with an estimate of construction cost, prepared by an engineer acceptable to the Town Manager. The Town Manager shall be responsible for certifying the acceptability of the estimate. ~~(Amended: 06-06-88, 11-17-03)~~
3. The subdivider, or his duly authorized representative shall attend the meeting of the Planning Board to discuss the Final Plan.
4. The time of submission of the Final Plan shall be considered to be the date of the regular monthly meeting of the Planning Board at least forty five (45) days prior to which the complete application, accompanied by the required fee, shall have been filed with the code enforcement officer. The Planning Board shall issue the subdivider a dated receipt for the Final Plan at the time of submission of the Final Plan. ~~(Amended: 10-05-87)~~
5. Within thirty (30) days from receipt of a Final Plan, the Planning Board shall notify the subdivider in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the subdivider and begin its full evaluation of the proposed subdivision.

6. ~~Prior to submitting the Final Plan, the subdivider shall file an improvement guarantee with the Town Manager. The purpose of the guarantee is to insure that all required subdivision improvements shall be satisfactorily completed. The amount and form of the guarantee shall be that defined under Article 400 of this Ordinance.~~
7. ~~Public hearing—The board may vote to hold a public hearing on the proposed subdivision. If so, such hearing shall be held within thirty (30) days of having received a complete Final Plan (as determined under section 332.1 item 5.). The manner described in section 331.2 item 5 of this Ordinance. The purpose of the public hearing shall be for the Planning Board to receive testimony from the public relative to any municipal or state ordinance, standard, or regulation which is applicable to the proposed subdivision and the relationship of the subdivision to the ordinance, standard, or regulation.~~
8. ~~Review and Action on Final Plan—The board shall, within thirty (30) days of a public hearing; or within sixty (60) days of having received a complete application, if no public hearing is held; or within such other time limit as may be mutually agreed to by the board and the subdivider, review the application and deny or grant approval of the proposed subdivision, or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations and state law and to preserve the public's health, safety, and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed subdivision does or does not meet the provisions of these regulations and the state subdivision law.~~
9. ~~Upon approval of the plan, at least a majority of the board members present and eligible to vote shall sign both transparencies. The date and any conditions of approval shall be written on both transparencies. One signed transparency shall be returned to the subdivider for filing with the registry of deeds and one signed transparency shall be retained by the Planning Board. The Planning Board shall maintain a permanent record of their action with respect to the Final Plan.~~
10. ~~No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed, in writing on the plan unless the plan is first resubmitted to the Planning Board and the board approves the modifications. In the event that any such subdivision plan is recorded without complying with this requirement, the same shall be considered null and void, and the board shall institute proceedings to have the plan stricken from the records of the registry of deeds.~~
11. ~~The subdivider shall file a signed subdivision plan at the Penobscot County registry of deeds within ninety (90) days of the approval. Any plan not filed within ninety (90) days will be considered null and void unless the particular circumstances of said subdivider or subdivision warrant the Planning Board to grant an extension which shall not exceed two (2) additional ninety day periods.~~

~~332.2. Submissions—The Final Plan shall be submitted in the appropriate number of paper and transparent copies. The Final Plan shall be not less than eight and one half (8 1/2) inches by eleven (11) inches and not more than forty eight (48) inches by thirty six (36) inches. The plan shall be drawn at a scale in which one inch equals no more than one hundred (100) feet and shall be oriented so the north direction is the same on all sheets. In addition to all items required on the Preliminary Plan and information requested by the Planning Board during the~~

Preliminary Plan review, the following items shall be required as part of the Final Plan submission unless otherwise indicated by the Planning Board.

- ~~map~~ — 1. ~~Registered Land Surveyor or Engineer~~ The name, registration number, seal and signature of the surveyor and/or engineer who prepared the plan. This information shall be on all sheets including cross section and profile sheets also indicated on the map plan.
- ~~map~~ — 2. ~~Streets~~ The names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings indicated on the map plan.
- ~~map~~ — 3. ~~Street Profiles and Details~~ Profiles of centerlines of proposed new streets on sheets separate from the plat, at a horizontal scale on one inch equals 40 feet and vertical scale of one inch equals four (4) feet; profiles of all proposed sewers shall be shown on street profiles, when applicable, at the same scale. All elevations shall refer to USGS datum indicated on the map plan. Detail drawings of any construction methods required for the accommodation of utilities and street appurtenances shall be included. *(Amended 06-10-89)*
- ~~map~~ — 4. ~~Street Cross Section~~ Cross section at fifty foot horizontal intervals of proposed new streets, on sheets separate from the plan at the scale of 1 inch equals 5 feet horizontal and 5 feet vertical indicated on the map plan. *(Amended 06-10-89)*
- ~~map~~ — 5. ~~Sewer profiles.~~ Profile of sanitary sewer, if not shown on street profiles, on sheets separate from the plan, at the same scale indicated for street profiles indicated on the map plan.
- ~~map~~ — 6. ~~Storm drainage plan.~~ Indicating the location and size of the proposed lines, catchbasins, underdrains, their profiles and means of disposal indicated on the map plan.
- ~~map & text~~ — 7. ~~Open spaces.~~ The designation of all easements, areas reserved for or dedicated to public use, and areas reserved by the subdivider indicated on the map plan and in accompanying written information. If open space or recreation land is to be dedicated to the town, accompanying the plan must be a copy of the minutes of the Town Council, attested by the town clerk, in which the Town Council agrees to accept such open space or recreation land. Also accompanying the plan shall be written copies of any documents of land dedication and a letter from the town attorney that he is satisfied with the legal sufficiency of the documents conveying such land dedication.
- ~~map~~ — 8. ~~Lots~~ The location, bearing and length of every line, with all lots to be numbered in accordance with the property maps of the Town of Hampden indicated on the map plan.
- ~~map~~ — 9. ~~Permanent Reference Monuments~~ The location of permanent monuments and pins, set at all lot corners, and identified as existing or proposed indicated on the map plan.
- ~~text~~ — 10. ~~Improvement Guarantee~~ Accompanying the plat shall be a letter from the Town Manager indicating that the form, duration, and amount of the improvement guarantee is sufficient and that it has been filed with him in accompanying written information.
- ~~map~~ — 11. ~~Approval Space~~ Suitable space to record on the approved plan the date and conditions of approval, if any indicated on the map plan. This space shall be similar to the following example:

*(Additional Suggested Text)*

~~This is to certify that after reviewing the subdivision submission information for the subdivision shown on this plan and considering each of the criteria set forth in M.R.S.A. Title 30-A, Section 4404 (as amended) and in the Hampden Subdivision Ordinance, the undersigned have made findings of fact establishing that this subdivision plan along with its additional submission information has met all the criteria set forth and therefore the subdivision is approved.~~

~~Approved: Town of Hampden Planning Board~~

~~\_\_\_\_\_~~  
Chairman

~~\_\_\_\_\_~~  
Date Approved:

~~\_\_\_\_\_~~  
Date Signed:

~~\_\_\_\_\_~~  
Conditions:

~~text~~ ~~12. Accompanying Data~~ The plans shall show the proposed location of all utilities (ie. Water, sewer, electrical, telephone) with written letters from each respective utility indicating their approval for the proposed design and location as shown on the plans. Also there shall be a letter from the Fire Chief approving the number, size and location of hydrants proposed and a letter from the Town Manager indicating the Town's approval of rental charges in accompanying written information. ~~(Amended: 06-19-89)~~

~~text~~ ~~13. Easements~~ If any easements have been required by the Planning Board, title to the easement, drawn up in a form and substance acceptable to the town or the Hampden Water District if applicable) shall be provided to the town (or the Hampden Water District if applicable) by the subdivider before final approval is granted in accompanying written information.

**~~340. Review of Minor Subdivision~~**

~~341. General~~ The Planning Board may require, in advance, where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision or a minor subdivision plan comply with all or any of the requirements specified for major subdivision or major subdivision plans.

**~~342. Procedure~~**

- ~~1. Within six (6) months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plan.~~

~~The subdivision plan shall substantially conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board.~~

- ~~2. The application for approval of a minor subdivision shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance payable by check to the Town of Hampden, Maine. (Amended 11-17-03)~~
- ~~3. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plan.~~
- ~~4. The time of submission of the subdivision plan shall be considered to be the date of the regular monthly meeting of the Planning Board, at least fifteen (15) days prior to which the application, complete and accompanied by the required fee has been filed with the code enforcement officer. The Planning Board shall issue the subdivider a dated receipt for the subdivision plan at the time of submission of the subdivision plan.~~
- ~~5. Fifteen (15) paper copies and two (2) transparent copies of the subdivision application, containing all information required in section 343 of this Ordinance shall be submitted. (Amended 10-05-87)~~
- ~~6. Within thirty (30) days from receipt of a subdivision plan, the Planning Board shall notify the subdivider in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed it shall notify the subdivider and begin its full evaluation of the proposed subdivision.~~
- ~~7. In the event that the Planning Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within thirty (30) days of having received a complete subdivision application, and shall cause notice of the date, time and place of such hearing to be given to the subdivider and to be published in a newspaper of general circulation in Hampden at least two (2) times, the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision the Planning Board may consider the size and location of the subdivision, its community impact, and whether any written requests for such hearing have been received.~~
- ~~8. The Planning Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of the time of submission, if no hearing is held, or within such other time limit as may be mutually agreed to, issue an order denying or granting approval of the proposed subdivision, or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations and in Title 30, MRSA, section 4956, the state subdivision law, and to preserve the public's health, safety, and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed subdivision does or does not meet the provisions of these regulations and the state subdivision law.~~
- ~~9. Upon approval of the plan, at least a majority of the board members present and eligible to vote shall sign both transparencies. The date and conditions of approval shall be written on both transparencies. One signed transparency shall be returned to the subdivider for filing with the registry of deeds and one signed transparency shall be retained by the Planning Board. The Planning Board shall maintain a permanent record of their action with respect to the subdivision.~~



10. ~~No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed, in writing on the plan, unless the plan is first resubmitted to the Planning Board and the board approves the modifications. In the event that any such subdivision plan is recorded without complying with this requirement, the same shall be considered null and void and the board shall institute proceedings to have the plan stricken from the records of the registry of deeds.~~
11. ~~The subdivider shall file a signed subdivision plan at the Penobscot County Registry of Deeds within ninety (90) days of the date of approval. Any plan not filed within ninety (90) days will be considered null and void unless the particular circumstances of said subdivider or subdivision warrant the Planning Board to grant an extension which shall not exceed two (2) additional ninety (90) day periods.~~
12. ~~If the Planning Board fails to take action within thirty (30) days of a public hearing or within sixty (60) days of the time of submission of a complete subdivision plan, if no hearing is held, or within the mutually agreed to time, as specified above, the subdivision plan shall be deemed disapproved.~~

~~343. Submissions—The subdivision plan of a minor subdivision shall be submitted in appropriate number of paper and stable transparent copies. The subdivision plan shall be not less than eight and one half (8 1/2") inches by eleven (11") inches and not more than forty eight (48") inches by thirty six (36") inches. The plan shall be drawn at a scale in which one inch equals no more than one hundred (100') feet and shall be oriented so the north direction is the same on all sheets.~~

~~The application for approval of a minor subdivision shall include all of the following information:~~

~~————— 343.1. Information About the Applicant~~

- ~~map & text — 1. Name of owner indicated on the map plan and in accompanying written info.~~
- ~~map & text — 2. Name of applicant (if other than owner) indicated on the map plan and in accompanying written information.~~
- ~~text — 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of secretary of state's registration in accompanying written information.~~
- ~~text — 4. Name of applicant's authorized representative in accompanying written information.~~
- ~~map — 5. Name, address, seal, signature, and number of the land surveyor who prepared the plan indicated on the map plan.~~
- ~~text — 6. Address to which all correspondence from the Planning Board should be sent in accompanying written information.~~
- ~~text — 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.) in accompanying written information?~~
- ~~text — 8. What interest does the applicant have in any property abutting parcel to be subdivided in accompanying written information.~~

~~343.2. Information About the Parcel to be Subdivided~~

- ~~text~~ 1. Location of property: book and page (from register of deeds) in accompanying written information.
- ~~text~~ 2. Location of property: map and lot (from assessor's office) in accompanying written information.
- ~~map & text~~ 3. Current zoning of property indicated on the map plan and in accompanying written information. Show location of zone boundaries on the parcel if any zone boundary crosses the parcel.
- ~~text~~ 4. Acreage of parcel to be subdivided in accompanying written information.
- ~~map~~ 5. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided as per tax assessor's records indicated on the map plan.
- ~~map & text~~ 6. Indicate the nature of any covenants or deed restrictions which are intended to cover all or part of the tract indicated on the map plan and in accompanying written information.
- ~~map & text~~ 7. An actual field survey of the boundary lines of the parcel, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and shall be marked by permanent monuments, and shall be referenced and shown on the plan indicated on the map plan and in accompanying written information.
- ~~map~~ 8. Location of any watercourses, floodplain, wetland, or unique natural features on the parcel indicated on the map plan.

~~343.3. Information About the Subdivision~~

- ~~map~~ 1. Proposed name of subdivision indicated on the map plan.
- ~~map & text~~ 2. Number of lots and lot sizes indicated on the map plan and in accompanying written information.
- ~~map~~ 3. Date, north point, graphic map scale indicated on the map plan.
- ~~map~~ 4. The location of permanent monuments or pins, set at all lot corners and identified as existing or proposed indicated on the map plan.
- ~~map~~ 5. The location, bearing and length of every lot line with all lots to be numbered in accordance with the property maps of the Town of Hampden indicated on the map plan.
- ~~map~~ 6. Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the following example:

~~(Additional Suggested Text)~~

~~This is to certify that after reviewing the  
subdivision submission information for the~~

~~subdivision shown on this plan and considering  
each of the criteria set forth in M.R.S.A. Title  
30-A, Section 4404 (as amended) and in the~~



~~Hampden Subdivision Ordinance, the undersigned have made findings of fact establishing that this subdivision plan along with its additional submission information has met all the criteria set forth and therefore the subdivision is approved.~~

Approved: Town of Hampden Planning Board

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date Approved:

\_\_\_\_\_  
Date Signed:

\_\_\_\_\_  
Conditions:

~~map 7. Soils report. A soils report, identifying soil types and location of soil test areas. If subsurface sewage disposal is to be used, evidence of soil suitability for subsurface sewage disposal as determined by the Maine Plumbing Code shall be presented. There shall be at least one soils test per lot.~~

~~map 8. Location and name of existing public streets and way.~~

**~~345. Review of Private Street Subdivision (Added 07-06-16)~~**

**~~346. Procedure (Amended 07-06-16)~~**

- ~~1. Upon receipt of an application, the Town Planner may refer the application to the Public Works Director for review and comment prior to scheduling the application before the Planning Board.~~
- ~~2. The application for approval of a Private Subdivision Plan shall be accompanied by a fee paid to defray costs of inspection, plan review, administration and enforcement of this Ordinance, in accordance with the Town of Hampden Fees Ordinance, payable by check to the Town of Hampden, Maine.~~
- ~~3. The Public Works Director shall report in writing to the Planning Board as to whether or not the proposed private street conforms to the standards and specifications of this Ordinance. Said report may include any suggested conditions to be attached to the approval/ Permit that, in the Public Works Director's judgment, are necessary to achieve the intent of this Ordinance.~~
- ~~4. The Planning Board shall consider the application, the Public Works Director's report, and all other relevant information in determining whether to grant the approval of the application. If the information submitted by the applicant does not establish that the proposed private street will conform to the standards and specification of the Ordinance, the Planning Board shall not grant the approval. The Planning Board shall impose such conditions on the approval of the~~

application as it deems necessary to achieve the intent and objectives of this Ordinance, which may include, but need to be limited to, conditions suggested by the Public Works Director. The breach of any such condition proposed by the Planning Board shall automatically invalidate the approval.

5. ~~As a condition to the granting of any approval under this Ordinance, the Planning Board shall require that the applicant deposit with the Public Works Director a sum of money, bank letter or credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon completion of all improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant.~~
6. ~~Upon receipt of the required deposit and predetermined fees and approval, the Code Enforcement Officer shall issue the Permit/Approval pursuant to the terms established by the either the Planning Board approving the application.~~
7. ~~Only the Planning Board shall have the authority to approve or deny applications for a private street.~~

~~347. Submissions— Each application for a Private Street Subdivision shall be accompanied by completed plans labeled “plan of a private way” prepared and sealed by civil engineer or land surveyor registered in the State of Maine, which include information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required. (Amended 07-06-16)~~

~~The application and plans for a Private Street shall include all of the following information:~~

1. ~~An approval block for the signatures of the board members. A copy of the signed standard boundary survey of the roadway shall be included in the documentation.~~
2. ~~The names and addresses of the lot or parcel owners to be served by the Private Street.~~
3. ~~A vicinity map of a minimum scale of one inch equals two thousand feet (1”= 2,000’), showing the location of the Private Street, any access roads and cross streets, road names, scale, and a north arrow.~~
4. ~~Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the Private Street easement to a suitable storm water outlet.~~
5. ~~Proposed improvements (including but not limited to, roads, sewers, and ditches) shown on plan and profile indicating all materials, grades, dimensions, and bearings in compliance with the standards set forth in this Ordinance relative to Private Streets. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and Private Streets.~~
6. ~~The plan shall delineate the proposed way(s) and each of the lots to be served by the private way(s), the location of existing buildings on the lots or parcels being served or intended to be served by the private way(s), as well as, any existing buildings or structures in or adjacent to any proposed road right of way. Lots shall conform to zoning requirements for size, frontage,~~

and setbacks for the area in which they are located. The land within the right of way of an approved Private Street shall not be used to meet the area requirements of any lot obtaining frontage from the Private Street.

7. ~~A street plan and an erosion control plan is required for a single lot Private Street. A street plan, cross section, erosion control, utility plan, and drainage plan shall be submitted for each private way serving two or more lots. The utility plan should contain the following information: locations and size of existing and proposed utility connections, including sewer, water, power, telephone, stormwater drainage systems, power poles, light poles, and nearest hydrant(s).~~
8. ~~A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right of way and roadway. Agreements shall include authorization from servient land owners allowing for any intensified or other use of the right of way. Furthermore, said maintenance agreements shall be in such form to be recordable with the Penobscot Registry of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the Private Street pursuant to the specifications of this Article, including, but not limited to, the responsibility of removing snow from said roads. The recorded statement which runs with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Town of Hampden. (Amended 07-06-16)~~
9. ~~The plan shall bear notes that the Town of Hampden will not be responsible for the maintenance, repair, or plowing of the private way and that further lot divisions utilizing the private way are prohibited without prior approval of the Planning Board.~~
10. ~~Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular access for emergency service vehicles on all private roads. All Private Streets shall comply with the Town of Hampden E911 Addressing Ordinance.~~

#### ARTICLE 400 **IMPROVEMENT GUARANTEES**

##### **410. *Improvement Guarantees Required***

~~Before the submission of a Final Plan, the subdivider in all major subdivisions as defined in Article 1024 shall provide the town with improvement guarantees, in the form of one or more of the guarantee options listed below in an amount that will cover at least one hundred (100) percent of the cost of completing the improvements, including sewer, water, storm drainage, or street work, should the subdivider fail to complete the required improvements or fail to complete them satisfactorily in accordance with the approved final subdivision plan. Furthermore, the subdivider shall guarantee the improvements against all defects from materials and/or workmanship for a period of one year from the date of acceptance thereof by the Town. (Amended 02-12-02)~~

##### **420. *Procedure***

~~The subdivider shall file with the Town Manager a proposed improvement guarantee (including a written guarantee agreement) and the Town Manager shall determine whether the form, amount, and the duration of the improvement guarantee are sufficient. In the event the Town Manager refuses to approve the proposed improvement guarantee as filed by the subdivider, he/she shall so inform the subdivider and~~

shall inform the subdivider of his/her reasons for rejecting the guarantee. This shall be done in writing. In the event the Town Manager approves the proposed improvement guarantee as filed by the subdivider, he/she shall notify the Planning Board. The Planning Board shall not grant final approval until it has received such notification from the Town Manager. The burden of submitting improvement guarantees in compliance with this Ordinance shall at all times remain with the subdivider. *(Amended 02-12-03)*

#### **430. Time Limit**

~~431. Completion Deadline.~~ All required improvements within a major subdivision shall be completed within two (2) years of final subdivision approval. The improvement guarantee must provide performance protection to the town during said two year period plus at least eighteen (18) months following the expiration of the two year period. The additional eighteen month period is required as protection to the town in the event the subdivider fails to complete the required improvements and for the one year guarantee period. *(Amended 02-12-03) (Amended 07-06-2016)*

~~432. Extension.~~ The Town Manager may extend the completion deadline for two (2) additional years at one year increments only where the subdivider presents substantial reason for doing so. No request for extension shall be considered until at least six (6) months prior to the original or extended completion deadline. Before extending the initial deadline or the initial extension, the Town Manager shall require that the improvement guarantee be extended in duration to cover the extended period of time, plus an additional eighteen month period. Before extending the initial deadlines, or the initial extension, the Town Manager shall review the form and amount of the improvement guarantee to make certain it remains adequate. *(Amended 02-12-03)*

#### **440. Inspection and Certification**

~~441.~~ Prior to the initiation of construction, a pre construction conference will be held with the subdivider, Public Works Director, Hampden Water District (if applicable), Community and Economic Development Director and Code Enforcement Officer. Evidence of issuance of required state and local permits shall be provided by the subdivider at the time of the meeting. *(Added 07-06-2016)*

~~442.~~ The Town Manager or his/her duly appointed representative shall regularly inspect the construction of the required improvements for defects. The subdivider shall cooperate with the Town Manager or his/her representative who is carrying out these inspections. Upon completion of the improvements the Town Manager shall notify the subdivider and the Planning Board, in writing, that the improvements have or have not been satisfactorily completed according to the approved final subdivision plan. If the improvements have not been satisfactorily completed, the Town Manager shall provide a written list of the defects. *(Amended 07-06-2016)*

~~443.~~ Upon completion of the improvements, the subdivider shall file the following with the Town Manager:

- ~~1.~~ A statement from the subdivider's engineer that all required improvements are completed in strict compliance with all applicable construction standards and the approved subdivision plan; and that the engineer knows of no defects from any cause, in the improvements;
- ~~2.~~ All site improvements with the exception of final paving are completed to the satisfaction of the Town Manager or his/her representative.

~~444. No final inspection will be conducted by the Town Manager between November 15<sup>th</sup> and April 15<sup>th</sup>. This does not prohibit council acceptance of improvements inspected between April 15<sup>th</sup> and November 15<sup>th</sup>. (Amended 06-19-89) (Amended 07-06-2016)~~

~~445. The costs of inspections, including the costs of review by a third party engineer if needed, shall be paid by the subdivider prior to the issuance of the certification of completion. The Public Works Director shall establish and determine the costs of inspection. If the subdivider does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Public Works Director and held by the Town, and the balance, if any, shall be returned to the subdivider. (Added 07-06-2016)~~

~~446. Private Streets need to be inspected by the Town's staff or designee during the construction process. If the owner did not include the Town's staff in the construction process and wished to have the Private Street serve as frontage for one or more newly created lots at a later date, the owner would need to hire at the owner's expense a professional engineer licensed in Maine to inspect the roadway and to certify that the road has been constructed according to the Private Street standards in this Ordinance. (Added 07-06-2016)~~

#### **~~450. Release of Guarantee~~**

~~As soon as the Town Manager or his/her authorized representative has inspected the improvements and certified that they are satisfactorily completed, the subdivider has filed the letter required in Section 442 of this Ordinance with the Town Manager, and the one year guarantee period has expired, the Town Manager shall release the previously required improvement guarantee to the subdivider. (Amended 02-12-02)~~

#### **~~460. Reduction of Guarantee~~**

- ~~1. When all required improvements have been substantially and satisfactorily completed, the Town Manager may release up to fifty (50) percent of the improvement guarantee. The improvement guarantee shall be reduced in value by no more than fifty (50) percent until all required improvements are satisfactorily completed.~~
- ~~2. Conditional acceptance may be authorized providing:~~
  - ~~A. All site improvements with the exception of final paving are completed to the satisfaction of the Town Manager or his/her representative.~~
  - ~~B. The binder pavement layer is placed on all areas proposed to be paved.~~
  - ~~C. The developer supplies the Town Manager with an improvement guarantee (article 410), documented by a written estimate from a reputable paving contractor, for the placement of the final finished pavement layer. Said guarantee shall be released in accordance with Section 450. (Amended 06-19-89) (Amended 07-06-2016)~~
- ~~3. Upon acceptance of the improvements by the Town, the Town Manager shall release up to eighty five (85) percent of the improvement guarantee, and shall release the remaining portion fourteen (14) months after acceptance of the improvements by the Town, unless the Town Manager has provided notice of a guarantee claim pursuant to Section 475, in which case the guarantee shall remain in place until any such claims have been resolved to the satisfaction of the Town Manager. (Amended 02-12-02)~~

#### **~~470. Incomplete or Unsatisfactory Work~~**



If the Town Manager determines, according to the procedures laid out in section 440 of this Ordinance, that the improvements have not been satisfactorily completed according to the accepted subdivision plan, within the agreed upon time, he/she shall inform the subdivider in writing of the town's intent to exercise its rights against the improvement guarantee, he/she shall exercise any and all such rights; and may cause the incomplete or unsatisfactory work to be completed. Any guarantee assets unused in the completion of the unsatisfactory or incomplete work may be returned to the subdivider at the discretion of the town. (Amended 02-12-02)

~~475. Defective Improvements. If the Town Manager, or designee, determines that the improvements suffer from defective workmanship or materials, the Town Manager, or designee, shall notify the subdivider in writing of the defects by not later than 30 days after the expiration of the one year guarantee period. If the defects are not corrected to the satisfaction of the Town Manager within 60 days after the issuance of the notice to the subdivider, the Town Manager, or designee, shall inform the subdivider in writing of the Town's intent to exercise its rights against the improvement guarantee, shall exercise any and all such rights, and may cause the defective workmanship or materials to be corrected. Any guarantee assets unused in the correction of any defects may be returned to the subdivider at the discretion of the Town. (Amended 02-12-02)~~

#### **480. Improvement Guarantee Option**

~~481. Performance Bond Under this improvement guarantee option, the subdivider shall obtain a subdivision bond from a surety bonding company authorized to do business in the State of Maine. The bond shall be payable to the Town of Hampden and shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and as approved by the Town Manager. (Amended 02-12-02)~~

~~482. Property Escrow Under this improvement guarantee option, the subdivider shall provide as a guarantee personal property, including stocks and bonds. The value of such property shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and as approved by the Town Manager.~~

~~482.1. Personal Property Escrow If personal property is proposed for the improvement guarantee, the subdivider must comply with the following requirements:~~

- ~~1. The subdivider shall provide the town with evidence of the value of the personal property satisfactory to the Town Manager.~~
- ~~2. The subdivider shall, at his/her expense, provide the town with a title opinion from an attorney, satisfactory to the town, that there exists no outstanding recorded security interest in said property; the subdivider shall provide the town with evidence, satisfactory to the Town Manager, of ownership of the proposed property.~~
- ~~3. The subdivider shall enter into an agreement with the town and execute a security interest in favor of the town, which shall be filed as required by law; said agreement shall provide that the ownership of the property shall be transferred to the town, unless the subdivider satisfactorily completes the required improvements in accordance with this Ordinance and~~

with the approved final subdivision plan. Said agreement and security interest shall contain such additional provisions as may be required by the Town Manager.

4. ~~In the case of stocks, bonds, or other securities, the subdivider shall deliver to the town or its designated trustee the original certificate for said security, together with a stock or bond power endorsed in blank by the subdivider authorizing the transfer of ownership on the books of the corporation. In the case of other personal property, the subdivider shall deliver to the town, or its designated trustee, the personal property together with a satisfactory security interest in such property.~~
5. ~~In the case of stocks, bonds, or other securities, the Town Manager may require that the value of said securities exceed the estimated cost of the required improvements in order to protect the town from market fluctuations, or may at his/her option reject stocks, bonds or other securities that in his opinion do not provide the town with satisfactory security.~~

~~483. Letter of Credit Under this improvement guarantee option, the subdivider shall provide, as a guarantee, an irrevocable letter of credit from a bank or other reputable institution satisfactory to the Town Manager, such letter of credit to be in form satisfactory to the Town Manager. The amount of such letter of credit shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and as approved by the Town Manager. The letter of credit shall be deposited with the Town Manager and shall certify the following:~~

1. ~~That the creditor does guarantee funds in an amount equal to the costs as estimated for the subdivider by a registered professional engineer and approved by the Town Manager, of completing all required improvements;~~
2. ~~That, in case of failure on the part of the subdivider to complete the specified improvements satisfactorily within the required time period, the creditor shall pay to the Town of Hampden immediately, and without further action, such funds as are necessary to finance the proper completion of these improvements, up to the limit of credit stated in the letter. (Amended 02-12-02)~~

~~484. Cash Escrow Under this improvement guarantee option, the subdivider shall provide as a guarantee, cash held in an account at a bank or other reputable institution subject to the approval of the Town Manager. The amount of cash shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and approved by the Town Manager. The subdivider shall enter into an agreement with the town that shall stipulate the terms under which a cash escrow may be accepted by the town.~~

## ARTICLE 500 **GENERAL REQUIREMENTS AND DESIGN STANDARDS**

In considering applications for subdivisions of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article 600 of this Ordinance.

### **510. General Requirements**



~~511. *Conformity with other laws and regulations.* All proposed subdivisions shall be in conformity with the comprehensive plan of the Town of Hampden, as amended, and with the provisions of all pertinent state and local codes, ordinances, laws, and regulations.~~

~~512. *Character of the land.* Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. The Planning Board shall not approve such portions of any proposed subdivision that are located on land below sea level, within the one hundred year frequency floodplain, on wetland which must be filled or drained, on land created by diverting a watercourse, or on land subject to slumping, mass wasting, or land slides. In no instance shall the Planning Board approve any part of a subdivision located on filled tidal land.~~

~~513. *Soils* Subdivisions which contain poor soils due to organic materials, clays, or seasonal high water table (less than 24 inches below grade) shall provide appropriate construction techniques, including but not limited to, underdrains and geotextiles in public road construction. The same construction techniques may be required of Private Streets if the Director of Public Works or his/her designee determines, based on inspection, that these techniques are needed based on soil quality. (Amended 10-04-03, 07-06-16)~~

## **520. *Lots***

~~521. *Lots to be Buildable* The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance there will be no foreseeable difficulties as a result of other natural conditions. Lots should not be of such dimension as to later encourage the creation of a second building lot out of the first. Land area delineated as freshwater wetlands, located between the upper edges of perennial or intermittent streams, or designated for stormwater detention facilities shall not be included as lot area for the purpose of the minimum lot area requirement applicable to the subdivision lots. (Amended 10-03-05)~~

~~Notwithstanding the provisions of this subsection, non-cluster Rural District lots comprised of less than two acres of upland may be approved if the Planning Board finds that the lot contains a minimum of one acre of generally contiguous upland area, not delineated as freshwater wetlands, and determines that the lot is suitable for development. (Amended 10-03-05)~~

~~Notwithstanding the provisions of this subsection, commercial and industrial subdivisions are exempted from this provision. (Amended 02-12-02)~~

~~522. *Side Lines* All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a waiver from or modification of this rule will give a better street or lot plan.~~

~~Notwithstanding this subsection, variations to the right angle/radial of the street line are encouraged where the Planning Board determines that variations of no more than 20 degrees will improve the layout of the lots by meeting one or more of the following objectives: Simplification of lot layouts by elimination of unnecessary property corners, foster creation of parallel side lot lines, foster improved solar access, accommodation of pre-existing features such as perimeter property lines or natural physical features such as wetlands and drainage ways. It is not the intent of the side lines rule to promote the placement of additional pins and monuments located in close proximity to the front property line. (Amended 10-03-05)~~

~~523. *Corner Lots*—In general, corner lots should be larger than interior lots to provide for proper building setback from each street and to provide a desirable building site.~~

~~524. *Lot Frontage*—Lot frontage shall be deemed acceptable only if it is on a road or street as defined in the Hampden Zoning Ordinance, or on a Private Street approved and constructed pursuant to the standards in this Ordinance. Tie lines must be shown at the front setback line to demonstrate that the lot meets the frontage requirement of the zoning district at the setback unless the lot frontage exceeds the minimum frontage requirement by at least five feet. (Amended 10-03-05, 07-06-16))~~

### **~~530. *Drainage Requirements*~~**

~~531. *General*—The subdivider will be required to provide surface water and storm drainage management facilities appropriate to the finished subdivision. The following requirements must be met for both minor and major subdivisions. Minor subdivisions of single family dwellings in the Rural District and Private Street Subdivisions are exempt from the following requirements. (Amended 07-06-2016)~~

- ~~1. A storm water management system will be designed to infiltrate, detain or retain water falling on the site during a design storm, such that the post development peak discharge and runoff shall not exceed the peak discharge and runoff from the site prior to the development.~~
- ~~2. Pipe systems shall be designed to pass the peak discharge of a ten-year frequency, twenty-four-hour duration storm. Open channel systems shall be designed to contain a design storm. In addition, areas expected to be flooded by the design storm will be indicated on the plans, and be considered part of the drainage and storm water management system.~~
- ~~3. The storm water management system will take into consideration the upstream discharge and runoff which must pass over or through the development site. The system will be designed to pass upstream discharge and runoff, generated by the design storm, through the proposed development without overloading the system or flooding areas not specifically planned for such flooding.~~
  - ~~A. The surface water and stormwater management system shall be designed so that no water shall be stored in any ditches or drainage ways located along streets or roads during a 10-year, 24 hour storm event. (Amended 02-12-02)~~
- ~~4. Urban development which provides public sewer and water service shall be designed to handle storm water drainage by means of an enclosed system with catch basins. Where necessary to control storm water, asphalt curbing may be required.~~
- ~~5. *Materials and Installation*~~
  - ~~A. *Pipe Culverts and Storm Drains*—Shall conform to Section 603 of the Maine Department of Transportation (MDOT) Standard Specifications for Bridges and Highways, 1990 or current version.~~
  - ~~B. *Manholes and Catch Basins*—Shall conform to Section 604 of the MDOT Standard Specifications for Bridges and Highways, 1990 or current version.~~

6. ~~Drain inlet alignment shall be straight in both horizontal and vertical alignment, unless specific approval of a curvilinear drain is obtained in writing from the Public Works Director. (Amended 07-06-16)~~
7. ~~Manholes/catch basins shall be provided at all changes in vertical and horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.~~
8. ~~Upon completion, each catch basin or manhole shall be cleaned of all accumulated silt, debris, or foreign matter until public acceptance. (Amended 10-04-93)~~

~~532. Approvals Applications for approval of all proposed subdivisions shall include documentation that demonstrates that there will be no unreasonable effects on runoff/infiltration relationships. This documentation shall include the following, as appropriate:~~

1. ~~The proposed storm water management system shall be designed by a professional engineer experienced in the design of storm water systems. The designer of the system will evaluate the effectiveness of various storm water methods and develop and make available for review the hydraulic calculations. These calculations will be based on accepted engineering practices and must demonstrate that the requirements of section 531 will be met.~~
2. ~~Where permanent embankment type storage or retention basins are planned, the basins shall be designed in accordance with good engineering practices, such as outlined in the current Soil Conservation Service Engineering Field Manual or other appropriate references.~~
3. ~~Rights of way or easements will be designated for all components of the drainage and storm water management system lying outside the established street lines. Stormwater detention facilities shall not be located on lots but on separate parcels to be conveyed to the town or provided for by easement to include provisions for suitable annual maintenance by the town, if for a Public Street, or by a private party, if for a Private Street. All rights of way and easements for drainage and storm water management facilities for Public Streets will be turned over to the town upon town acceptance of the road(s). Notwithstanding the provisions of this subsection, commercial and industrial subdivisions, and Private Street Subdivisions, are exempted from the provision requiring that stormwater detention facilities be separated from lots and conveyed to the Town. (Amended 02-12-02)(Amended 07-06-16)~~
4. ~~The developer shall certify in writing that all components of the storm water management system will be maintained until the system is formally accepted by the municipality or a quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system.~~
5. ~~The storm water management system will be fully coordinated with the project site plans, including consideration of street patterns, pedestrian ways, open space, building siting, parking areas, recreational facilities, and other utilities. Stormwater drainage channels shall be directed to run along property lines to avoid driveway and other utility crossings. (Amended 02-12-02)~~
6. ~~When the construction of a development is to occur in phases, the planning of the storm water management system shall encompass the entire site which may ultimately be developed, and shall not be limited to an initial or limited phase of the development. (Amended 11-18-85)~~

~~540. Open Space and Recreation Land (Repealed 4-4-2016)~~

~~541. Approval Authority (Repealed 4-4-2016)~~

~~542. Area Required (Repealed 4-4-2016)~~

~~543. Standards for Land (Repealed 4-4-2016)~~

~~544. Standards for Cash in Lieu of Land (Repealed 4-4-2016)~~

~~545. Provisions for Ownership and Maintenance of Open Space or Recreation Areas (Repealed 4-4-2016)~~

~~546. Provisions for Ownership and Maintenance of Private Streets~~ In a Private Street Subdivision, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such Private Street(s). The means for insuring the Private Street(s) will be maintained in perpetuity shall be: *(Added 07-06-2016)*

1. Subdivider may retain ownership and responsibility for maintenance of such Private Street(s);  
or
2. Subdivider shall provide for and establish one or more organizations for ownership and maintenance of such Private Street(s). Such organization may be a nonprofit homeowners' corporation or other organization as approved by the Planning Board. If such organization is formed, it shall be formed and operated in accordance with the following rules:
  - A. The organization shall be formed by the subdivider and be operating, with financial subsidization by the subdivider if necessary, before the sales or lease of any lots or units within the development.
  - B. Membership in the organization is mandatory for all purchasers of units therein and their successors.
  - C. The organization shall be responsible for maintenance of Private Street(s) in the subdivision. It shall also be responsible for insurance, as needed, for Private Street(s) in the subdivision.
  - D. The members of the organization shall share equitably the cost of maintaining Private Street(s) in the subdivision in accordance with written procedures established by them.  
*(Amended 07-06-16)*

## **550. Street Standards**

~~551. Layout of Streets~~ All streets in a subdivision shall be planned so as to meet the following standards:

1. The proposed streets shall conform, as far as practical, to the adopted Comprehensive Plan or policy statement of the Town of Hampden.
2. All streets in the subdivision shall be designed so as to provide safe vehicular travel and, in minor streets and Private Streets, shall be designed so as to discourage movement of through traffic. *(Amended 07-06-16)*

3. ~~The arrangement of streets in a major subdivision shall provide for the continuation of arterial and collector streets into adjoining unsubdivided land unless topographic or other factors make continuance impracticable or undesirable. Where a subdivision is served by a minor street, the Planning Board may require that a right of way or the minor street be projected to adjacent unsubdivided land when the board finds that such a projected street would be in keeping with the land use goals for the area and with sound planning practice.~~
4. ~~Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the town under conditions approved by the Town Council.~~
5. ~~Intersections of streets shall be at angles as close to ninety (90) degrees as possible. In no case shall two (2) streets intersect at an angle of less than sixty (60) degrees.~~
6. ~~A distance of at least two hundred (200') feet shall be maintained between centerlines of offset intersecting streets.~~
7. ~~Whenever possible, subdivisions containing fifteen (15) lots or more shall have at least two (2) street connections with existing public streets or streets shown on the official road map, if such exists, or streets on an approved Subdivision Plan.~~
8. ~~Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the preliminary and the final plan, marked "Reserved for road realignment (or widening) purposes". Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.~~

**552. Private Street Standards.** All streets in a private subdivision shall be planned so as to meet the following standards: *(Added 07-06-16)*

1. ~~The design and construction of all Private Streets shall comply with this Ordinance relative to Private Streets, subject to the approval of the Planning Board.~~
2. ~~Notwithstanding any other provisions of the Ordinance to the contrary, Private Streets in subdivisions platted prior to the enactment of this Ordinance and Private Streets that are contained in land divisions approved by the Town of Hampden prior to the enactment of this Ordinance, shall continue to meet the specifications approved at the time of application. Upon expansion, reconstruction, or major alteration of an existing Private Street, new construction shall comply with then current requirements of Private Streets.~~
3. ~~Intersections of streets shall be at angles as close to ninety (90) degrees as possible. In no case shall two (2) streets intersect at an angle of less than sixty (60) degrees.~~
4. ~~A distance of at least two hundred (200') feet shall be maintained between centerlines of offset intersecting streets.~~
5. ~~The applicant will provide a stop sign and street name sign meeting Town specification at the intersection with the public street.~~



~~553. Design and Construction Standards for Streets Eligible for Public Acceptance~~ All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Planning Board. ~~(Amended 07-06-16)~~

Design and Construction Standards for Streets

<u>Item</u>	<u>Collector</u>	<u>Minor</u>
1. Minimum right of way width	66 ft.	66 ft.
2. Minimum pavement width	24 ft.	20 ft.
3. Minimum grade	0.5%	1.0%
4. Maximum grade	8%	8%
5. Maximum grade at intersection 3% Within feet from intersection	75 ft.	50 ft.
6. Minimum centerline radii on curves	200 ft.	100 ft.
7. Minimum tangent length between reverse curves	200 ft.	100 ft.
8. Depth of subgrade grading	22 in.	22 in.
<u>Item</u>	<u>Collector</u>	<u>Minor</u>
9. Sub base gravel depth	18 in.	18 in.
10. Upper base gravel	4 in.	4 in.
11. Pavement (see 552 item 2)		
A. Grade B	2 1/2 in.	2 1/2 in.
B. Grade C	1 1/2 in.	1 1/2 in.
C. Total thickness	4 in.	4 in.
12. Minimum road crown centerline to edge of pavement.	3 in.	3 in.
13. Minimum shoulder width on each side of road.	2 ft.	2 ft.
14. Sidewalks		
A. Minimum width	5 ft.	4 ft.
B. Gravel base course	6 in.	6 in.
C. Surface pavement	2 in.	2 in.
15. Dead end or cul-de-sac streets		
A. Completely paved Radii of turn around at enclosed end		
i. Right of way boundary minimum	60 ft.	50 ft.
ii. Outside pavement radius min.	40 ft.	35 ft.

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B. With island (see #26)			
i. Right of way boundary min.	65 ft.	55 ft.	
ii. Inside pavement radius	26 ft.	25 ft.	
iii. Outside pavement radius	50 ft.	49 ft.	
iv. Minimum pavement width	24 ft.	24 ft.	
<i>(Amended: 10-03-05)</i>			
<hr/>			
C. Temporary (See #27)			
i. Radii at Right of way min.	50 ft.	50 ft.	
ii. Gravel turn around minimum	40 ft.	40 ft.	
<hr/> <i>(Amended: 12-04-95)</i>			

16. Minimum pavement curb radii at intersections and where street meets cul-de-sac 20 ft. *(Amended: 10-03-05)*

17. Grade of streets should conform as closely as possible to the original relief of the land.

18. All changes in grade shall be connected by vertical curves such as will provide clear visibility for a distance of two hundred (200') feet.

19. Side slopes shall not be steeper than three (3') feet horizontal and one foot vertical, graded, loamed (six [6] inches compacted) and seeded. If the side slope extends outside the required right of way, the subdivider shall expand the right of way to include the entire side slope area.

20. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water. Driveway culverts shall be adequate to pass the design flow of the contiguous ditches.

21. In construction of roads, the paved area, sidewalk, and shoulder shall be cleared of all stumps, roots, brush, perishable material, and all trees not intended for preservation. All loam, loamy material, clay, and other yielding material shall be removed from the roadway to at least subgrade depth, or as directed by the Town Manager.

22. The roadway area shall be brought to the grade shown on the plan, profile and cross section, by suitable gravel. The subbase gravel shall meet the specifications for aggregate subbase courses as contained in the current edition of "The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation". The upper base gravel shall meet the specifications for aggregate base courses in the same standards.

23. For Public Streets, after the upper base gravel has been thoroughly rolled, the surface of the roadway shall be paved. The pavement material and the manner of application of such shall conform to the requirements of the current edition of "The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation". *(Amended 07-06-16)*

24. The Planning Board may require curbing of roads in a subdivision including one or more Public Streets. *(Amended 07-06-16)*

25. Where a green space is planned in the interior of a cul-de-sac, existing vegetation should be preserved where possible. Any proposed landscaping shall be of a type which requires limited maintenance. *(Amended: 12-04-95)*



26. Where a proposed street may be extended, the Planning Board may authorize a temporary cul-de-sac. Temporary cul-de-sacs shall provide an escrow account for a period of five (5) years to cover the cost of paving, which is renewable in five (5) year increments. Access shall be prohibited from a temporary cul-de-sac. *(Amended: 12-04-95)*

554. ~~Design and Construction Standards for Private Streets~~ All streets in a Private Street Subdivision shall be designed and constructed to meet the following standards: *(Added: 07-06-16)*

Design and Construction Standards for Private Streets

<u>Item</u>	<u>Private</u>
1. Minimum right of way width	66 ft.
2. Minimum roadway travel width	20 ft.
3. Minimum pavement width	Not Required
4. Maximum grade	8%
5. Maximum grade at intersection — Within 75 feet from intersection	3%
7. Minimum centerline radii on curves	150 feet
8. Minimum tangent length between reverse curves	100 ft.
9. Subbase course (heavy gravel) MDOT Type D — <i>(May be waived if pre-existing street)</i>	18 inches
10. Base course (crushed gravel MDOT Type A) — <i>(May be waived if pre-existing street)</i>	4 inches
11. Pavement	Not Required
12. Minimum road crown centerline — to edge of pavement.	N/A
13. Minimum shoulder width on each side of road (if paved)	2 feet
14. Sidewalks	Not Required
15. Turnaround at dead end	Hammerhead or T

See Sample Cross Section for Private Street Subdivision.

555. ~~Utilities in Streets~~ In a major subdivision, the Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and the street right-of-way line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved. In a Private Street Subdivision,

~~the owner or owners shall convey, where applicable, an easement to the Town, described by metes and bounds, for sewer purposes over the entire right of way, and shall convey, where applicable, an easement to the Hampden Water District, described by metes and bounds, for water purposes over the entire right of way, and shall record both easements, as applicable, in the Penobscot County Registry of Deeds. (Amended 07-06-16)~~

~~556. Street Names~~

- ~~1. Proposed street names shall be substantially different from existing street names so as not to be confused in sound or spelling.~~
- ~~2. If proposed streets are extensions of existing streets they shall carry the same name.~~
- ~~3. Generally no street should change direction by more than ninety (90) degrees without a change in street name.~~
- ~~4. In general, streets shall have names, not numbers or letters. (Amended: 09-21-87, 06-19-89)~~

~~560. Utilities~~

~~561. If public water and/or sewer is proposed, the system shall be designed so as to accommodate any development which can reasonably be expected to tie into the system. In determining the amount of reasonably expected development, the Planning Board shall consider existing land use, existing zoning, the character of the land, topography, and existing constraints to development (such as boggy areas), the carrying capacity of the land and of existing municipal services, and the town's Comprehensive Plan or sewer and water plan. If the system has to be built so that it is larger than would normally be required under conditions of the maximum utilization of the subdivider's contiguous land (including land on opposite sides of streets), the town will pay the difference in cost for the larger pipes. The subdivider must cover all other expenses.~~

~~562. The subdivider shall install any new public utility system according to the approved Subdivision Plan. If either the public sewer or water system follows a course which is not collinear with the road network, the Planning Board shall require that the subdivider provide the Town of Hampden or the Hampden Water District with a utility easement.~~

~~563. If individual wells are proposed for the subdivision, the Planning Board may require that the subdivider's engineer certify that sufficient water is available for the reasonable foreseeable needs of the subdivision.~~

~~564. If subsurface sewage disposal is proposed, the Planning Board shall require that the subdivider provide proof that a subsurface sewage disposal system which is in conformance with the Maine State Plumbing Code can be installed on every lot.~~

~~565. Pump stations shall not be used in the construction of sewer systems in any proposed development with the Town of Hampden, Maine, except as permitted under the Town's Sewer Ordinance. (Amended: 03-07-88) (Amended 08-06-07)~~

~~570. Buffer Strip The Planning Board may require a buffer strip when a proposed major subdivision will be located adjacent to a use where separation is desirable. (Amended 07-06-16)~~

**ARTICLE 600**

***WAIVER AND MODIFICATIONS OF THESE REGULATIONS***

~~610. Where the Planning Board finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, or where there are special circumstances of a particular plan, it may waive any of these regulations provided that such waiver will not have the effect of nullifying the purpose of these regulations, the Comprehensive Plan, the Zoning Ordinance, or any other ordinance. Upon recommendation of the Planning Board, fees may be adjusted or waived only with the approval of the Hampden Town Council.~~

~~620. In granting any waiver, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived. (Amended 12-01-86)~~

**ARTICLE 700**

***VALIDITY, EFFECTIVE DATE, CONFLICT OF ORDINANCES, AND FILING***

~~710. Should any section or provision of this ordinance be declared by the courts to be invalid, such section shall not invalidate any other section or provision of these regulations, and to this end, the provisions of this ordinance are hereby declared to be severable. (Amended 07-06-16)~~

~~720. The effective date of this ordinance is June 17, 1982. (Amended 07-06-16)~~

~~730. These regulations shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, ordinance, permit, or provision of law. Where these regulations impose a higher standard for the protection and promotion of health and safety, the provisions of this ordinance shall prevail. (Amended 07-06-16)~~

~~740. A copy of this ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. (Amended 07-06-16)~~

~~750. The Subdivision Ordinance of the Town of Hampden as adopted at the annual meeting March 3, 1970 and as amended, is hereby repealed.~~

**ARTICLE 800**

***AMENDMENTS***

~~810. *Initiation of Amendment*—An amendment to this Ordinance may be initiated by:~~

- ~~1. The Planning Board, provided a majority of the Board has so voted;~~
- ~~2. Request of the Town Council to the Planning Board; or~~
- ~~3. Written petition of ten (10%) percent of the registered voters of the town.~~

~~820. *Proposed Amendments*—All proposed amendments shall be referred to the Planning Board for their recommendation. Such recommendation shall be returned to the Council within thirty (30) days.~~

~~830. **Adoption of Amendment**—For an ordinance change to be adopted, it must be approved by a majority vote of the Town Council if the change has been recommended by the Planning Board. If the change has not been recommended by the Planning Board, a two thirds vote of the Town Council will be necessary to adopt it.~~

**ARTICLE 900  
APPEALS**

~~An appeal may be taken, within thirty (30) days from the Planning Board's decision on the Final Plan, by any party to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.~~

**ARTICLE 1000  
DEFINITIONS**

~~1010. Words and terms not defined in section 1020 shall have the meanings given them in the Zoning Ordinance of the Town of Hampden, or in the absence of definitions in said Ordinance, such words and terms shall have their customary dictionary meanings.~~

~~1020. The following words and terms, for the purpose of this Ordinance, shall be designated as follows:~~

~~1021. **Subdivision.**—"Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5 year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units with a 5 year period.~~

~~1. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3<sup>rd</sup> lot, unless:~~

~~A. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence or for open space land as defined in Title 36, M.R.S.A. Section 1102, for a period of at least 5 years before the 2<sup>nd</sup> dividing occurs; or~~

~~B. The division of the tract or parcel is otherwise exempt under this definition.~~

~~1. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot(s) in reviewing a proposed subdivision created by a subsequent dividing.~~

~~2. A lot of 40 or more acres shall not be counted as a lot, except:~~

- A. ~~When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in the Hampden Zoning Ordinance, or any superseding state statute.~~
3. ~~A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, or a gift to a municipality, or by the transfer of any interest in land to the owner of land abutting that land, does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this Ordinance. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection.~~
  4. ~~The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971, is not a subdivision.~~
  5. ~~In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.~~
  6. ~~The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transfer is to avoid the objectives of this Ordinance.~~

~~— Exceptions~~

~~— This Ordinance does not apply to:~~

1. ~~Previously approved subdivisions. Proposed subdivisions approved by the Planning Board before September 23, 1971, in accordance with laws then in effect;~~
2. ~~Previously existing subdivisions. Subdivision in actual existence on September 23, 1971, that did not require approval under prior law; or~~
3. ~~Previously recorded subdivision. A subdivision, a plan of which had been legally recorded in the Penobscot County Registry of Deeds before September 23, 1971.~~

~~— (Amended: 02-02-94)~~

~~1022. Private Street Subdivision — A subdivision which includes construction of one or more Private Streets, and does not involve the construction or reconstruction of a Public Street. (Added 02-06-16)~~

~~1023. Tract or parcel of land — All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.~~

~~1024. *Minor Subdivision*—A subdivision with less than five (5) lots which does not involve the construction or reconstruction of a new street, or the extension of public sewer lines, or the extension of public water lines, or the construction of a storm drainage system.~~

~~1025. *Major Subdivision*—A subdivision which is not a minor subdivision or a Private Street Subdivision. (Amended 07-06-16)~~

~~1026. *Street or Road*—Shall mean a right of way, intended for motorized traffic, in the Town of Hampden, which is either: (Amended 07-06-2016)~~

- ~~1. Owned, established, and maintained by the Town of Hampden, the County of Penobscot, or the State of Maine; or~~
- ~~2. Is shown on a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds.~~

~~1027. *Minor Street*—A street which serves primarily as an access to abutting properties.~~

~~1028. *Collector Street*—A street which connects one or more minor streets with an arterial street.~~

~~1029. *Arterial Street*—A street which serves heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.~~

~~1030. *Design Storm*—A storm with a frequency or recurrence interval of twenty five (25) years and a duration of twenty four (24) hours.~~

~~1031. *Private Street (or Road)*—A Street within a deeded right of way that provides access to more than one principal structure and is privately owned and has not been dedicated to public use other than access by emergency and public safety vehicles, and is maintained by its private owners. A Private Street (or Road) shall be protected by a permanent easement which shall conform to the Road Classification Standards Table and which shall be shown on the plan. The limits of a private way shall begin from the edge of the traveled way of a Public Street and all associated sub roads that spur off from this road. Maintenance of this right of way area shall be the responsibility of the homeowner's association. (Added 07-06-16)~~

~~1032. *Public Street (or Road)*—A public or dedicated right of way, which affords the principal means of vehicular access to abutting property and which is under public ownership or control. (Added 07-06-16)~~

~~1033. *Pump Stations*—For the purpose of this Ordinance, pump stations shall be defined as any device intended and designed for the purpose of transporting, pumping or lifting of sanitary sewage from residences, commercial institutions or central collection points to the municipal sanitary sewer system. This shall not include lift pumps used in self contained, on site subsurface disposal systems. (Amended 11-18-85, 9-19-88)~~

~~1034. *Freshwater Wetland*—Freshwater Swamps, marshes, bogs and similar areas which are:~~

- ~~1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and~~



2. ~~Not considered part of a great pond, coastal wetland, river, stream or brook.~~

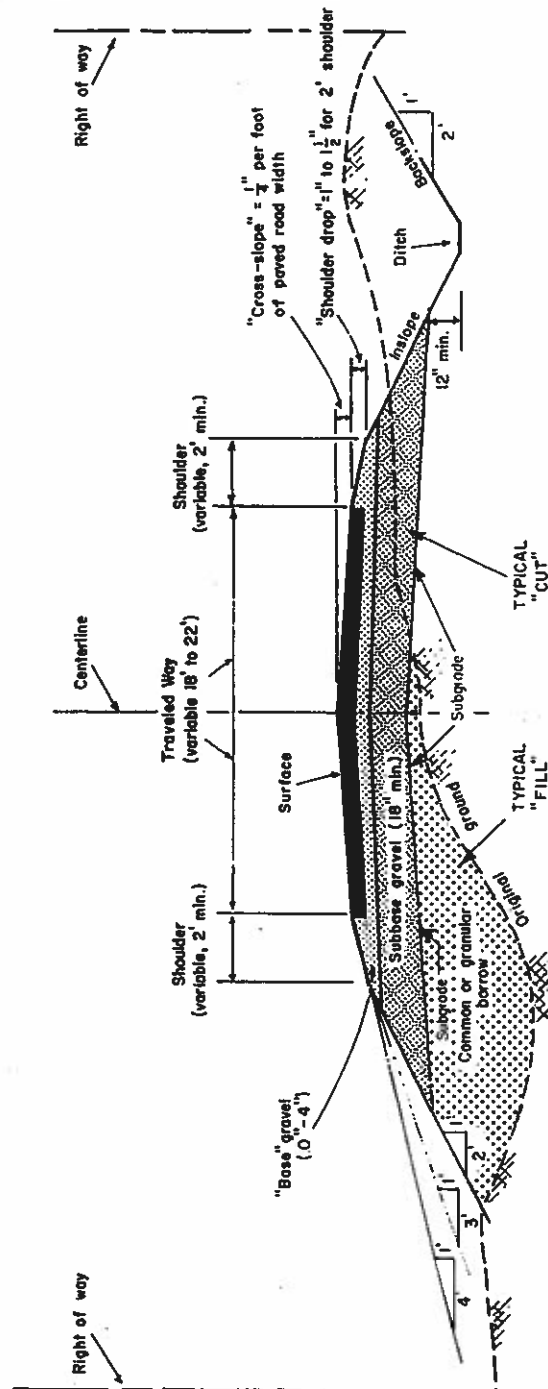
~~These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection. For the purposes of this Ordinance, "wetland" shall mean the same as freshwater wetland. Freshwater wetlands shall be delineated in accordance with the current authorized federal manual, unless the Planning Board approves a different delineation method.~~  
~~(Amended: 12-20-93)~~

~~1035. Dwelling Unit "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single family and multi family housing, condominiums, apartments and time share units.~~ ~~(Amended: 02-07-94)~~

~~1036. New Structure or Structures "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this Ordinance.~~ ~~(Amended: 02-07-94)~~



Sample Cross Section for Private Street Subdivision



DESIRABLE MINIMUM DIMENSIONS  
OF A LOW-VOLUME PAVED ROAD

Figure 2 - 2

(Added 07-06-2016)

-6-

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-8427  
Fax: (207) 862-5067  
email: [Code@hampdenmaine.gov](mailto:Code@hampdenmaine.gov)

## Memorandum

To: Hampden Town Council  
From: Ryan M. Carey, CEO  
Date: 01/06/2021  
RE: Habitability Standards

The Town of Hampden currently has a number of buildings that are unfit for human habitation. The only mechanism the town has to deal with these properties is the State of Maine Dangerous Buildings statute (MRS, Title 17 §2851). This statute has been historically difficult to utilize especially in municipalities lacking a related local ordinance.

In early 2020 the Town considered adopting a property maintenance ordinance. It was the opinion of the council that such an ordinance was too far-reaching and not a palatable enforcement tool. Presented before you is a proposed habitability standard. This amendment is designed to address the issues at hand, without encroaching on a citizen's rights.

Thank you,

Ryan M. Carey

## **Town of Hampden Building Regulations:**

5.4.1.3 In addition to penalties, the violator may be ordered to correct or abate the violations.

### **Definitions MOVE TO DEFINITIONS**

Except as otherwise provided, the following definitions shall apply to this section:

Building shall mean anything constructed with a roof and walls built for permanent use.

Building authority shall mean the code enforcement officer or his or her designee.

Building official shall mean the code enforcement officer or his or her designee.

Demolition debris includes, but is not limited to, materials that are created by site preparation, clearing land, or erection or destruction of a building or structure. It also includes, but is not limited to, brush, tree limbs, stumpage, building materials, and the waste products of building activity, such as: clay, brick, masonry, concrete, plaster, glass, wood and wood products, asphalt, rubber, metal; and plumbing, electrical and heating fixtures, appurtenances thereto and parts thereof.

Basement shall mean the portion of a building next below the ground floor having not more than half of its clear height below the adjoining grade.

Dwelling shall mean any house, building or part thereof which is occupied or intended to be occupied, in whole or in part, for living and sleeping by one (1) or more occupants. A dwelling may include one (1) or more dwelling units or rooming units or a combination of both.

Dwelling premises shall mean the land and auxiliary buildings thereon used or intended to be used in conjunction with a dwelling.

Dwelling unit shall mean one (1) or more rooms forming a single unit including food preparation, living, sanitary and sleeping facilities used or intended to be used by two (2) or more persons living in common or by a person living alone.

Enforcement authority means and includes the building authority or his or her designee, and the health authority.

Extermination shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the building authority.

Habitable room shall mean a room used, or intended to be used, for living, sleeping, cooking, or eating purposes and excludes bathrooms, toilet rooms, laundries, pantries, halls, closets, heater rooms, utility rooms, and attics. Basement or cellar areas are not habitable rooms except as permitted in this article.

Infestation shall mean the presence within a dwelling or on premises of a dwelling of rodents, vermin, or other pests, as determined through actual observation of them or by evidence of their presence.

Lead-based substance means any substance which contains lead at a level that constitutes or potentially constitutes an environmental lead hazard.

Occupant shall mean any person, including an owner or operator, residing in or having actual possession of a dwelling unit or rooming unit.

Operator shall mean any person who has charge, care, management, or control of any dwelling or part thereof in which dwelling units or rooming units are let or offered for occupancy.

Owner shall mean any person or persons who alone, jointly, severally, or jointly and severally with others:

- Shall have legal or record title to any dwelling, dwelling unit, or dwelling premises;
- Shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;
- Shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or a bond for a deed with the person having legal or record title.

Rooming house shall mean any dwelling, or part thereof, containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

Rooming unit shall mean one (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone.

Supplied shall mean installed, furnished, or provided by the owner at his or her expense.

## **4.27 Habitability Standards**

**4.27.1 Minimum standards for dwellings established.** There are hereby established minimum standards for buildings used for dwelling purposes in the Town of Hampden. All such buildings not now conforming to these standards will be required to meet such minimum standards, and buildings newly constructed or converted for dwelling purposes shall meet such minimum standards. The standards set forth herein are intended to be minimum only and shall not be construed otherwise, nor shall they apply wherever a greater standard is required by any other ordinance or law.

**4.27.2 Minimum standards for structural elements.** No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply with the following minimum standards:

**4.27.2.1.** Foundations, basements, cellars, exterior walls, roofs. Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted, stained, or otherwise sided. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof.

**4.27.2.2.** Interior floors, walls, ceilings and doors. Every floor, wall, ceiling, and door shall be in a structurally sound condition and in good repair and shall be substantially vermin proof.

- 4.27.2.3. Exterior windows, doors and skylights. Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair.
- 4.27.2.4. Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition.
- 4.27.2.5. Stairways, stairwells, stairs and porches. Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.
- 4.27.2.6. Chimneys, flues and vent. Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.
- 4.27.2.7. Required equipment and utilities. Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition.

**4.27.3 Standards for unoccupied residential structures.** The owner of any unoccupied structure containing dwelling units or rooming units or any combination thereof shall comply with the following minimum standards:

- 4.27.3.1. Foundations, basements, cellars, exterior walls, roofs. Every foundation, basement, cellar, exterior wall and roof shall be substantially weathertight, watertight and vermin-proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted, stained, or otherwise sided. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls or ceilings, or hazard to adjacent buildings or the occupants thereof.
- 4.27.3.2. Interior floors, walls, ceilings and doors. Every floor, wall, ceiling and door shall be in a structurally sound condition and shall be substantially vermin-proof.
- 4.27.3.3. Exterior windows, doors and skylights. Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight and vermin-proof, and shall be kept secured to prevent ingress of people and animals.



- 4.27.3.4. Stairways, stairwells, stairs and porches. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use.
- 4.27.3.5. Chimneys, flues and vent. Every chimney shall be structurally sound and in good repair.
- 4.27.3.6. Rodent and vermin control. All unoccupied structures and exterior property shall be kept free from rodent and vermin infestation. Where rodents and vermin are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. Every owner or operator of an unoccupied residential structure shall be responsible for the extermination of such rodent and vermin or pest whenever infestation exists.

**4.27.4 Minimum plumbing standards.** No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards:

- 4.27.4.1. Basic facilities. Every dwelling unit shall contain within its walls, in sound operating condition, a kitchen sink, a private flush toilet, lavatory basin, and bathtub or shower. Rooming houses and dwelling houses containing rooming units shall contain at least one (1) flush toilet, one (1) lavatory basin, and one (1) bathtub or shower for each five (5) persons or fraction thereof living within rooming units in the dwelling.
- 4.27.4.2. Location of facilities. The flush toilet, lavatory basin, and bathtub or shower shall be conveniently located within a room or compartment which affords privacy and is separate from habitable rooms, is accessible from a common hall without passing through another dwelling unit or rooming unit or without going outside of the rooming house or dwelling house, is not more than one (1) story removed from the rooming unit of any occupant intended to share such facilities, with the lavatory basin further required to be in the same room or compartment as practicable. No such facilities located in a basement or cellar shall count in computing the number of facilities required hereunder, except upon the prior approval of the building authority.
- 4.27.4.3. Water supply. Every dwelling, dwelling unit and rooming house shall be provided with a potable water supply. Every kitchen sink, lavatory basin, and bathtub or shower required by this article shall be properly connected with hot

and cold water lines with adequate supply and pressure. The hot water lines shall be connected with water-heating facilities which supply water at a temperature of at least one hundred ten (110) degrees Fahrenheit at every required fixture at all times.

- 4.27.4.4.** Maintenance of plumbing fixtures. All fixtures required by this article and all fixtures installed in addition thereto shall be properly installed and maintained in sound mechanical condition, free from defects, leaks, or obstructions, and in accordance with the state plumbing code.

**4.27.5 Inspections.** The health or building authority or his or her designee, upon showing, proper identification, shall have the right to enter at any and all reasonable times into or upon any dwelling or dwelling premises within the Town of Hampden for the purpose of inspecting the dwelling or dwelling premises in order to determine compliance with the provisions of this article and for the purpose of examining and inspecting any work performed under the provisions of this article, and it shall be a violation of this article for any person to interfere with or prevent such inspection.

**4.27.6 Notices.** When any violation is found to exist within the meaning of this article, the health or building authority or his or her designee shall give the owner, operator or occupant, or both a written order or notice which shall set forth the violation and shall contain a reasonable time limit for the correction thereof.

**4.27.7 Reinspections.** After the expiration of the time for correction of a violation, the health or building authority or his or her designee shall make a reinspection of the premises, and if the violation has not been corrected and no appeal is pending as hereinafter provided, such authority may make such further order as he deems advisable or he may proceed to take legal action against the person liable for such violation.

**4.27.8 Properties unfit for human habitation; and posted against occupancy.** Any dwelling, dwelling unit, rooming house, rooming unit, or any structure or portion thereof being used for human habitation which is in violation of the provisions of this article to the extent that it is unfit for human habitation according to the standards contained herein or other applicable standards may be condemned for habitation and posted against occupancy by the building authority or his or her designee. Property unfit for human habitation shall include but not be limited to:

- 4.27.8.1.** Properties which are either damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested in such a manner as to create a serious hazard to the health, safety, and general welfare of the occupants or the public;
- 4.27.8.2.** Properties which lack plumbing, ventilating, lighting or heating facilities or equipment adequate to protect the health, safety and general welfare of the occupants or the public;

- 4.27.8.3. Properties which, because of their general condition, state of the premises, number of occupants, or location, are so unsanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public;
- 4.27.8.4. Properties which contain lead-based paint substances, as defined herein;
- 4.27.8.5. Properties in or on which the owner, operator or occupant has failed to comply with notices or orders issued under the provisions of this article; or
- 4.27.8.6. Properties which are disorderly houses.

NOTE: The words "enforcement authority" would be substituted for "building authority" throughout the housing code.

**4.27.9 Notice of condemnation and posting; order to vacate.** The building authority or his or her designee shall give notice in writing to the property owner or operator of such condemnation and posting, and in the event such property is occupied, he or she shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.

**4.27.10 Property not to be occupied again for habitation.** No property which has been condemned and posted against occupancy shall again be used for the purpose of habitation until the building authority or his or her designee shall in writing approve of its use and shall likewise authorize the removal of the posted notice.

**4.27.11 Notices not to be removed; property not to be used or let; exception.** It shall be a violation of this article for any person to deface or remove any such posted notice without the prior approval of the building authority or his or her designee, and it shall also be a violation of this article for any person to occupy or let to another for occupancy any property which has been condemned and posted as provided above without receiving the prior approval of the building authority or his or her designee.

**4.27.12 Property to be secured if not improved.** If the owner or operator of any property which has been condemned as unfit for habitation does not proceed to make the necessary corrections to bring the property into compliance with the provisions of this article, such owner or operator shall proceed to make the property safe and secure so that no danger to life or property or fire hazard shall exist.

If the owner or operator fails to do so within a reasonable amount of time, the Town of Hampden may take all reasonable steps to make the property safe and secure and recoup the costs from the owner or operator.

**4.27.13 Personal nonliability.** No officer or employee charged with the enforcement of this section and acting for the Town in the discharge of his or her duties shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts in the discharge of his or her duties. Any suit brought against any officer or employee because of any act performed by him

or her under the provisions of this article shall be defended by the corporation counsel until the final determination of the proceedings therein.

**4.27.14 Habitation of Recreational Shelters.** For purposes of this section, “recreational shelter” means any building, structure, vehicle, trailer, or other enclosure used or intended for human habitation that does not meet the standards set forth in this section, or the State of Maine Manufactured Housing Act. This includes, but is not limited to, recreational vehicles, motor homes, campers, camp or truck trailers, tents, shelters, and structures on trailers capable of being towed by a motor vehicle.

A recreational shelter may not be occupied as living quarters, unless it meets all of the following requirements:

**4.27.14.1.** The recreational shelter is a vehicle or trailer eligible for registration under Title 29-A, Chapter 5 of the Maine Revised Statutes;

**4.27.14.2.** The recreational shelter is fully inspected, registered and ready for highway use, except that a moveable recreational shelter that does not move under its own power may be temporarily disconnected from the vehicle used to haul it, only for the time period contained in subsection 4.27.14.8 below;

**4.27.14.3.** The recreational shelter meets all of the applicable fire and life safety requirements;

**4.27.14.4.** The recreational shelter is weathertight, watertight, vermin proof, structurally sound and in good repair;

**4.27.14.5.** The use of the recreational shelter, and its connection to utilities, if any, complies with all other applicable sanitary, electrical, fire, and life safety requirements of this Code;

**4.27.14.6.** The recreational shelter is located entirely on residential property and is used solely by residents of that residential property or guests of those residents;

**4.27.14.7.** The recreational shelter, or space for the recreational shelter, is not rented or let;

**4.27.14.8.** The recreational shelter is not occupied as living quarters anywhere within the Town of Hampden for more than seven (7) days in any one-year period; and

**4.27.14.9.** No more than one occupied recreational shelter may be located on a single parcel or lot at a time.

C-d



Town of Hampden  
Economic Development

## MEMORANDUM

To: Town Council

From: Amy Ryder, Economic Development Director

Date: January 11, 2021

RE: BlueWave Solar Lease Payments

A payment from our option to lease agreement with BlueWave has come in, and more will continue come in quarterly per our lease agreement.

I would like to discuss with the Council if that revenue should be deposited to our general fund, or we could create a reserve fund.

My recommendation would be a reserve account to then be used for future economic development in Hampden, that would still have to be permitted by the Town Council. It would be very beneficial for the long-term economic plans for the town that was outlined by myself at a previous council meeting on September 17<sup>th</sup>, 2020 (broadband, community center, waterfront development, town center).

Thank you,

Amy Ryder